



Response Requested by July 25, 2008

TO: Superintendents of Schools

CONTACT: Business Managers
Facilities and Plant Manager
Health, Safety and Environmental Coordinator

DATE: June 20, 2008

FROM: Chas Anderson, Deputy Commissioner

SUBJECT: Capital Expenditure: Health and Safety Revenue Application, Per Minn. Stat. § 123B.57

Enclosed you will find documents relating to your District's Health and Safety revenue application for 2008 Pay 2009. Attachments 1 and 2 are mailed directly to the district. The remainder of this packet may be downloaded at Website location <http://www.education.state.mn.us/>. Under "Accountability Programs" choose "Program Finance," then from the right side of the page, click on the button "Facilities, Health & Safety." The file is in PDF format and may be saved by right clicking "Save Target As" function. If you should have any questions, please contact Audrey Bomstad at 651-582-8793 or audrey.bomstad@state.mn.us.

List of Attachments:

1. Capital Expenditure: Health and Safety Revenue Application Summary, Minnesota Department of Education (MDE) Form ED-01866-20 (mailed separately, **to be returned to MDE**)
2. Fiscal Years 2008-2010 Health and Safety Web Internet Site Instructions (mailed separately)
3. MDE Summary of Allowable Expenditures
4. Environmental Health and Safety Management Model Plan
5. Safety in Science Laboratories Checklist
6. State Fire Marshal Fire Safety Information
7. Uniform Financial Accounting and Reporting Standards (UFARS) Finance (FIN) Code 366 Engineering Report and Five-Year Plan Forms
8. Steps to Follow for Projects Exceeding \$500,000 Total Cost
9. Changes to FIN Code 352, a detailed explanation and Management Assistance criteria
99. Attachment 99 Performance Criteria (to be returned to MDE by July 27, 2008)

The Capital Expenditure: Health and Safety (H&S) Revenue Application (ED-1866) shows your district's previously reported estimates and summary of approved projects for FY 2008 and FY 2009. The H&S Website <http://education.state.mn.us/HealthAndSafety/HealthAndSafety.do> shows your district's H&S project detail. You may also reach this site by choosing "Accountability Programs," "Program Finance," "Facilities, Health and Safety," then on the left side of the screen, choose "Minnesota Health and Safety." Please make corrections to these estimates, including any increases for new FY 2008, FY 2009 or FY 2010 projects. For districts qualifying for aid, either the corrected amounts or the revenue limits with an

adjustment for underlevies, will be used to calculate your FY 2008 and FY 2009 aid entitlements. This report will also be used to apply for approval for your FY 2010 health and safety cost estimates. It is important to have the most accurate health and safety cost estimates in the proper fiscal year. The district's proper health and safety cash flow is dependent on the accuracy of the initial and revised health and safety cost estimates.

The "Capital Expenditure: Health and Safety Revenue Application" summary sheet (Attachment 1) and Website instruction sheet (Attachment 2) is mailed separately from this letter. Districts must enter or modify individual projects over the Internet, then enter summary amounts onto the ED-1866 by finance code and fiscal year, sign and return to the mailing address on the form. Both must reach the MDE by July 25th. After July 25th, the Website will be taken down until August 29th while projects are approved and then restored. A hard copy of project approvals will not be sent to districts due to budget constraints, so districts should print their projects both before and after this date for their records. "NOs" or "NMIIs" (need more information) can be reconciled after August 29th. Since the Website database is now the master database, changes to data must be made by districts—MDE will not make these changes unless it is not possible for the district to do so. If problems are encountered accessing the Website or making changes, recheck the procedures to ensure they match those in Attachment 2. If problems persist, call or e-mail Audrey Bomstad at 651/582-8793 or audrey.bomstad@state.mn.us.

Allowable Projects. Attachment 3 "Summary of Allowable Expenditures" and Attachments 4, 5 and 6 describe project and management activities that are allowable and not allowable for Health and Safety funding. Only those activities specified as allowable in these attachments will be approved for a district's application.

Projects That Exceed \$500,000. Some projects may exceed \$500,000 in cost, per building, over one or several years. These must be treated separately in the application process, under M.S. 123B.59(1)(b) (the Alternative Facilities statute). If the project amounts of the total of "related" projects exceed \$500,000 for the same building, over a five year period (M.S. 123B.59 Subd. 2(b) refers), the work must be funded under Alternative Facilities (under M.S. 123B.59 Subd. 1(b)). Projects are related if the work is similar in kind or if the reason for doing one is linked to another by a cause and effect relationship. The mere fact that projects are occurring at the same time in a building is not considered related. Districts must not group together unlike projects to create a project exceeding \$500,000 in order to qualify for Alternative Facilities treatment, nor may they split up a project in order to evade Alternative Facilities and Review and Comment activities. A review and comment under M.S. 123B.71 may be required. In 2005, M.S. 123B.71 Subd. 8 was modified to allow for Review and Comment exclusion for projects that exceed \$500,000, funded under the Alternative Facilities program (per M.S. 123B.59). In a letter transmitted July 18, 2005, MDE stated that districts must request a Review and Comment exemption. If an exemption is requested, the request should be sent to John Bulger of the MDE, stating the waiver request and the applicable project number(s). **Districts need to set aside 60 days for review and comment processing.** A provisional project approval may be granted if additional time is needed, until November 7, 2008. Final approval may be granted to the district even after removal of provisional approval, until levy certification occurs in December. The steps that must be followed are found in Attachment 8. Attachment 7 has a form to be completed that satisfies the engineering report and five year plan submittals required by M.S. 123B.59(2)(b) and which will assist in determining whether or not a review and comment is required under M.S. 123B.71 Subd. 8. Also, note that the public notification requirements have changed. Notification is per M.S. 123B.59 regardless of if a Review and Comment is required or not (if funded under M.S. 123B.59). And, notice must be published at least 20 days before levy certification, sale of bond or contract award, whichever occurs first.

When it is established, Health and Safety-justified Alternative Facilities projects will be moved to a new Website set up for and dedicated to the Alternative Facilities program. Recording and reporting

requirements are identical to the reporting requirements established in the Alternative Facilities Reference Manual for the 23 districts that qualify for revenue under M.S. 123B.59, subd. 1(a), which may be found at <http://education.state.mn.us/mdeprod/groups/Finance/documents/Manual/004004.pdf> .

Note the requirement to report project costs by UFARS course code dimension. Districts are reminded that postings to UFARS for these costs should have a Program Code designator of 855 rather than 850, a Fund Code of 06, a new Course Code dimension number to identify the project, and that the original range of Finance Codes (347, 349, etc.) should be retained. A separate information sheet giving more specifics and examples will be transmitted soon to districts identifying projects.

FIN Code 352 Changes. The 2003 Legislature consolidated all FIN 352 activities as well as other assorted assessments, investigations, and the purchase of equipment that do not lead to the engineering or construction of a project, into the category of “Health, Safety and Environmental Management.” A two-tiered calculation was adopted for FY 2008 and FY 2009, funded as a biennium, and this will continue for the biennium including FY 2010 and FY 2011. See Attachment 4 for details of this biennium calculation. Part of this amount is allowed to provide districts revenue for the State Fire Marshal inspections and H&S Management Assistance programs. The maximum amounts for student count and square footage (e.g. the cap) is established once for each biennium. The maximum amounts for FY 2008 and FY 2009 were established with data current as of Sept. 30, 2006 with 2006 Age and Square Footage and FY 2005 AMCPU data. To calculate the district’s FY 2009 cap, review the biennial cap amount labeled as advice on the Website and subtract from this the sum of all approved FIN CODE 352 projects for FY 2008. The difference is the FY 2009 cap amount.

Projects Temporarily Approved until November 7th (Assigned PPA). MDE may determine that certain projects will require additional reporting or documentation after Sept. 30th, (1) certain FIN 366 projects, (2) certain FIN 363 projects (3) projects exceeding \$500,000 in cost and (4) projects requiring Review and Comment under M.S. 123B.71. To facilitate the process, projects that have a minimal (but not full) level of reporting on these projects received at MDE by July 25th may receive a provisional approval, marked with a “PPA” designator (provisional project approval) in their project approval area. See Attachments 7 and 8 for details. For FIN 363 projects, State Fire Marshal plan review constitutes the requisite plan review. Districts have until November 7, 2008, to complete and submit the remainder of the required reporting to the MDE. Projects whose completed reporting is received by this date are eligible to have their approvals changed from “PPA” to “YES” and for their funding authority to continue. Otherwise, project approval will revert to “NMI” (needs more information) and funding authority will be rescinded for Pay 2008. Only projects marked PPA on September 26, 2008, may be processed in this manner. All other non-approved projects must wait until Pay 2010 to obtain funding. The same criteria apply for projects exceeding \$500,000 but they are designated PPL (for levy) or PPB (for bond) instead of PPA.

ED-1866: Added to ED-1866 is the district-reported NEW Pay 2009 levy or bond amounts needed to fund Alternative Facilities projects. **Please insert correct amounts in these fields if revenue changes are needed.**

Attachment 99 Requirement. As in previous years, the school district board is required to report the status of its Health and Safety program using the turnaround document found in Attachment 99. Attachment 99 must be board-certified and must be received at MDE (with minutes of the board activity attached) no later than July 25, 2008. Please see the first page of Attachment 99 for processing instructions. New projects or changes to current ones for 2008 Pay 2009 will not be approved until this document is received and verified. A Management Assistance professional shall accomplish the task of identifying individual hazards (see page 71) and MDE will not process requests for funding approval without a properly completed Attachment 99. See page 66 for additional details.

H&S Management Assistance. MDE continues to strongly support the Health and Safety Management Assistance (MA) program. During this year, MDE salutes the management assistance staff at regional service coops for their service to school districts AND to MDE, providing assistance to both sides of the equation. All public schools are encouraged to support this program, which is intended to provide assistance and information to public schools in maintaining a strong Health and Safety program. Deficiencies noted in Attachment 99 report prepared by Management Assistance staff should be reviewed and included in the district's board approved, annually submitted Health and Safety program (Attachment 99). MDE is actively partnering with the regional service cooperatives to ensure the program remains robust, relevant and meets districts' needs.

Requirement for Indoor Air Quality (IAQ) Management Plan -- The requirement for school districts to implement an IAQ Management Plan has been in effect since 1997. To qualify for any new H&S funding, the district must have a certified IAQ Coordinator, have an operational IAQ Management Plan and have submitted Attachment #99. MDE certification occurs as a result of attendance at a Minnesota Department of Health (MDH) training session only. If a district does not have an IAQ Coordinator, the district may schedule training on August 7th in St. Paul, August 14th in Marshall, August 20st in Staples, August 21st in Bemidji, August 27th in Mankato, or October 16th in St. Paul. Contact Dan Tranter at the MDH to register for the training (651-201-4618 or daniel.tranter@health.state.mn.us). Schedule and location of training is available at the following Website.
<http://www.health.state.mn.us/divs/eh/indoorair/schools/index.html>

Violence Prevention. Violence prevention costs are not funded by Health and Safety Revenue. Costs for plans, personnel, equipment and facilities in support of violence prevention and building security is fundable under the Safe Schools Levy (M.S. 126C.44).

State Fire Marshal (SFM) Inspections and Safety In Science Labs. 2003 legislation requires that school districts pay fees to the State Fire Marshal or contract with a local governmental agency for building inspections every three years. M.S. 299F.47 refers. The school State Fire Marshal inspectors shifted in 2005 from the MUFC (MN Uniform Fire Code) to the IFC (International Fire Code) as their authority to enforce fire and life safety. Contact the State Fire Marshal field representative for your area if more details are needed on either of these issues.

Appeals Process. Every attempt has been made to maintain consistency with current laws and statutes in the development of this memo. In the event a district has identified a hazard that is not addressed as allowable in this letter, a district may request that the hazard be given funding consideration as a health and safety project. MDE will not consider appeals for costs specifically excluded but will consider appeals where eligibility is unclear due to language or to the identified hazard. Contact Audrey Bomstad to initiate agency consideration. All such requests shall be in writing and will be responded to in writing. E-mails are acceptable if the funding is less than \$10,000. In certain cases, a report from a qualified third party evaluator may be required. A written request should contain the following: project number, description and amount, reason for denial, unresolved question(s) for consideration, reason(s) for re-consideration and a specific statement of what action the district requires. The appeal shall be clear as to how the requested approval relates to the statute. Agency supervisory personnel will resolve appeals.

General Reporting Requirements.

1. Health and Safety projects must be reported via H&S Website by July 25th 4:00 pm.
 2. Attachment 99 must be received at MDE by July 25th
 3. ED-1866 (Attachment 1) must be received at MDE by July 25th.
 4. Name of IAQ Coordinator must be identified in Attachment 99, received at MDE by July 25th.
- Additional Reporting Requirements (some or all may apply)

5. Project engineering report received by July 25th for certain FIN 363, 366 work
6. Five Year Plan received by July 25th. Includes five years of H&S projects that exceed \$500,000 and funding information about these projects.
7. Proof of publication of “notice of intended projects” need to be submitted to the agency by Dec 1st, in order to meet the “within 20 days of levy certification” requirement.
8. Review and Comment requirements for projects exceeding \$500,000 (unless exempted)
9. For all HVAC and mold abatement projects: Report information per Attachment 7 and IAQ exclusion statement (Attachment 8)

Timelines

- **June 2008.** MDE issues 2008 revenue application packet. 2008 Pay 2009 Website is officially open for new project information. MDE mails Attachments 1 & 2. District downloads H&S memo.
- **June 30, 2008.** Latest date for bond issuance in order to qualify for debt service equalization aid on Pay 2009 levy.
- **July 25, 2008.** Attachment 99 received by MDE.
- **July 25, 2008.** All districts must have completed logging new or revised project information onto the H&S Website. All documentation for major projects must be received by this date. Website taken down and all projects are temporarily removed. For projects exceeding \$500,000, take special note of Attachment 8 reporting requirements (includes “notice of intended projects” notification requirement). For FIN Code 366 projects requiring reporting, see Attachment 7. ED-1866 report received by MDE.
- **By August 29, 2008.** Website restored to show approvals, NMIs or NOs. OK to appeal projects flagged NMI (need more information) or NO after this date, but before September 12th.
- **September 12, 2008.** Last day district can make changes to Website. Between Sept. 12th and 26th, department will review information provided by the district in order to finalize approvals.
- **September 26, 2008.** Last day capital dataset is updated for levy limit calculations, to allow these to be certified to the county auditor by September 30, 2008, as provided by M.S. 275.065 Subd. 1.
- **November 7, 2008.** Last day to submit closeout documentation in support of PPAs or PPLs/PPBs (provisional approvals). Data submitted as late as November 7th may affect Truth In Taxation.
- **Early November 2008.** 2008 Health and Safety Data Verification information sent to districts for that year’s closeout.
- **November 30, 2008.** Districts have until November 30, 2008 to modify their FY 2008 UFARS numbers.
- **December 1, 2008.** Proof of publication of “notice of intended projects” need to be submitted to the agency by Dec 1st, in order to meet the “within 20 days of levy certification” requirement.
- **December 31, 2008.** Last day for districts to modify approval of FY 2008 projects. All projects identified after this date for work claimed in FY 2008 or before will not be honored and processed after this date.
- **January 8, 2009.** Last day agency will reconcile 2008 projects marked “NMI” or “NO.”
- **June 30, 2009.** Latest date for bond issuance in order to qualify for debt service equalization aid on Pay 2010 levy. Last day to submit information for Review and Comment for projects affecting Pay 2010 levy.

Sunset. The information in this memo and its attachments officially expires September 30, 2008.

Approvals may be given to projects after this date and before the FY 2010 revenue application letter but they are based on “best estimate” of the contents of the 2009 letter and are approved only to satisfy time-critical needs on the part of the district (i.e. emerging FY 2009 needs before July 2009). Approval does not guarantee revenue if any enabling statute changes after September 26, 2008. If it is reasonably anticipated that a law change after September 26, 2008 might affect the H&S statutory approval process, the approval process may have to be postponed until the law change is known.

Although the Website is “mechanically” open to accept changes, projects identified after September 26, 2008 will not normally be processed until after July 30, 2009. The exception will be for FY 2008 projects being closed out during November-December 2008. To bring agency attention to the need for approval before then, **the district must contact MDE**. Every attempt has been made to incorporate H&S allowable and non-allowable expenditure information into this packet, so that the MDE program administrator can answer questions by referencing its contents and by giving interpretation, examples, illustrations and precedents. If you have any questions regarding documents, process or interpretations, please contact Audrey Bomstad at 651/582-8793 or audrey.bomstad@state.mn.us.

**SUMMARY OF ALLOWABLE EXPENDITURES FOR FISCAL YEARS 2008, 2009, AND 2010
PURSUANT TO MN Stats. §123B.57 and §123B.59 GENERAL ALTERNATIVE FACILITIES BONDING
AND LEVY PROGRAM**

The 2003 Legislature made significant changes to both the Health and Safety (H&S) Minn. Stat. 123B.57 and the Alternative Facilities Bonding and Levy statute M.S. 123B.59(1)(b). Health and Safety-eligible projects with an estimated cost of **\$500,000** or more per site, approved after February 1, 2003, shall be funded under the Alternative Facilities statute M.S. 123B.59 and not under the H&S statute M.S. 123B.57. All of the conditions specified under M.S. 123B.59(2)(b) must be met, including “notice of intended projects” processing and five-year plan as well as any engineering reporting. **If the district is considering any projects of this magnitude, contact Audrey Bomstad at 651/582-8793 or audrey.bomstad@state.mn.us as soon as possible.**

PROJECTS UNDER HEALTH AND SAFETY

A project is defined as a unit of work that is specified by fiscal year, finance code dimension, building, project description and amount. MDE assigns an identifying project number and provides approval. All processing and approval relates to the individual project and a district may not assume that approval for any project implies approval for any other project.

“MACRO PROJECTS” THAT ALLOW FOR MULTIPLE BUILDINGS PER PROJECT

Building breakdown requirement is not required for projects listed under finance code 352, or for a project that would result in multiple projects with identical work descriptions and cost of \$1,000 or less per building. For this new category of “macro projects,” beside the project work description, the project description field shall include the number of buildings, the approximate cost per building and the methodology used for cost-to-building allocation (e.g. actual cost, cost based on square foot, cost based on units per building, etc.). For buildings with identical work descriptions and costs of greater than \$1,000, these macro projects may yet be compressed into one project if all buildings are positively identified. This may occur (1) by specifically naming the buildings, (2) by indicating “all buildings” and by associating costs on a per-square-foot basis, (3) by indicating the category of buildings (e.g. all elementary buildings), (4) by another suitable means of positively identifying the building(s).

H&S PROJECTS MUST BE IDENTIFIED (CONTINGENCIES NOT PERMITTED)

Work associated with H&S projects shall be identified and known at the time of project submission. MDE cannot approve a contingency fund for projects that have yet to be determined. The work is not considered a contingency if (1) the scope of work is precisely known and identified and does not change, and (2) the estimated and actual amounts are in general agreement (within a few percent).

NEW CONSTRUCTION OR RE-LOCATABLES

Health and Safety revenue may not be used for the construction or betterment of new facilities or the purchase of portable classrooms. It may not be used to pay for construction that results in an increase in square footage of the school facility, with the exception of square footage in lieu of roof construction for mechanical ventilation systems that result in reduced costs and for a SFM-ordered storage area. Consideration will be given for additional square footage for mechanical ventilation that results in substituting like with like spaces, so long as size and functionality remain the same, and an independent architect/engineer certifies that the solution results in reduced costs. Project funding which would have been used for hazards in existing buildings cannot be re-directed to new facilities. Use of H&S funding to purchase storage sheds for hazardous materials shall be considered on a case-by-case basis, and must be supported by SFM orders.

FEE FOR ENGINEERING

Engineering, design, project management and commissioning fees for abatement or remediation are allowable expenditures of Health and Safety Revenue if there is an accompanying project. The fees for these services should be identified and applied for as a separate project under the same finance code as the project.

SCIENCE LAB SAFETY AUDIT-RELATED COSTS

The cost to modify a science lab to meet standards pursuant to M.S.121A.31 is an allowable expenditure of Health and Safety Revenue with written State Fire Marshal (SFM) orders, SFM plan review documentation and agency review of projects that involve major funding. To determine allowable uses of Health and Safety Revenue, Attachment #5 provides guidance to districts [subject to agency review]. Safety in science labs projects should be integrated with the district's Laboratory Safety Standard Chemical Hygiene Plan.

HEALTH, SAFETY, AND ENVIRONMENTAL MANAGEMENT

Per M.S. 123B.56, "Health, Safety and Environmental Management" means activities necessary for a district's compliance with state law and rules of the Departments of Health, Labor and Industry [MNOSHA], Public Safety [State Fire Marshal] and Pollution Control Agency [MPCA] as well as any related federal standards. These activities are [1] hazard assessment; [2] required training; [3] record keeping and [4] program management. A district's cost to assess compliance and develop written management plans for health, safety and environmental regulations/standards is an allowable expenditure of Health and Safety Revenue under finance code 352. See Attachment #4 for additional details. Using this attachment, a district should evaluate its hazards and adopt written plans and policies. Attachment #99 is submitted to MDE by July 25, 2008, to meet M.S. 123B.57 reporting requirements. A district may fund activities of Safety Committees set up to identify safety hazards, prioritize and schedule projects and do activities to assist administration with managing a district's safety hazards. Refer to Minn. Rule 5208 for Safety Committee requirements. M.S. 182.676 states:

Every public or private employer of more than 25 employees shall establish and administer a joint labor-management safety committee. A safety committee must hold regularly scheduled meetings unless otherwise provided in a collective bargaining agreement. Employee safety committee members must be selected by employees. An employer that fails to establish or administer a safety committee as required by this section may be cited by the commissioner. A citation is punishable as a serious violation under section 182.666.

Costs to establish and operate Schools Safety Committees, including hourly wages of employees and substitutes conducting the work, are allowable Health and Safety expenditures. Estimates shall be identified as clock hours, not percentages of time. Per M.S. 123B.57 Subd. (8)(a), district is capped at a funding formula level, further explained in Attachment 4.

PROVISIONAL PROJECT APPROVAL (PPA)—Includes Alternative Facilities Projects

Projects that do not have all documentation submitted by September 30th which MDE believes will qualify imminently for funding, may be temporarily approved as a PPA instead of YES. This establishes the project as included in the maximum revenue authority set on September 30th, but which will be removed from the authority if final support documentation has not been evaluated by November 7, 2008.

FIRE PREVENTION AND LIFE SAFETY

Expenditure of Health and Safety Revenue to correct fire and life safety code violations must be in response to written orders from the State Fire Marshal [SFM] or local authority using SFM criteria under contract agreement. Exceptions may be considered upon written application to the Commissioner. State Fire Marshal School Plan Reviewer John Swanson [651/201-7218 or John.Swanson@state.mn.us] must review all H&S fire and life safety projects that exceed \$10,000 prior to commencing work, including orders based on local inspectors. The MDE must receive confirmation of this review from the district before project approval is given, although a "PPA" may be assigned until November 7, 2008.

ASBESTOS REMOVAL

Asbestos containing building materials should be maintained in-place whenever possible. Removal should be limited to those materials that are damaged or require removal in order to facilitate another facility project, or when its location and condition presents an unacceptable risk to building occupants.

HEALTH AND SAFETY DEFICIT SPENDING

Neither health and safety revenue nor Alternative Facilities revenue based on H&S criteria can be used to finance a lease purchase agreement, installment purchase agreement, or other deferred payments agreement. Health and safety revenue must not be used for interest or other financing expenses, or for energy efficiency projects under M.S. 123B.65. No interest expense may be charged to the H&S account. Any work performed under an energy performance contract or with bond proceeds [including facilities and equipment bonds] cannot be charged to the Health and Safety account. Projects that exceed \$500,000 are funded under M.S. 123B.59 which does allow for bonding and interest recovery.

GUARANTEED ENERGY SAVINGS CONTRACTS - Energy Performance Contracts

Neither health and safety revenue nor Alternative Facilities revenue based on H&S criteria can be used to fund energy efficiency projects under section M.S. 123B.65, the guaranteed energy saving or “performance” contract section.

WEATHER/FLOOD-RELATED DAMAGE

Generally, costs for cleanup from major weather related disasters or flooding are eligible for Health & Safety funding. Agency weather/flood responses are coordinated through MDE, including those warranting consideration for extraordinary funding consideration, under a variety of programs.

INDOOR AIR QUALITY [IAQ]

Only costs to districts to restore the quality of indoor air to a safe level by means of mechanical ventilation upgrade/replacement and mold abatement are eligible for funding under Health and Safety FIN CODE 366. Allowable assessments, investigations, inventories and support equipment not leading to the engineering or construction of a project shall be included in the FIN CODE 352 funding category and subject to the cap. To qualify, the district must have an IAQ Coordinator and have an operational Management Plan.

TRANSPORTATION/BUS DRIVER DRUG AND ALCOHOL PREVENTION PROGRAM

Expenses relating to these and other transportation issues are not eligible for funding under the Health and Safety program. Cost to fund repair or replacement of unsafe Carpenter-brand buses is not allowable.

INDUSTRIAL ARTS EQUIPMENT H&S funds may be used for repair or replacement to bring the equipment into OSHA compliance or to “best practices” level, if the district has an MDE-trained and certified specific person identified as the Industrial Arts Equipment Coordinator. Their certificate number must accompany the H&S request for funding over the Website. Use the manual and bid specifications provided at the time of training to determine the nature of the hazard and proper solutions. Contact the regional Management Assistance coordinator if there is a difficulty locating vendor.

MDE CERTIFICATION PROGRAM. MDE requires that district personnel be certified in the following areas to obtain H&S funding: IAQ Coordinator and any funding for MDE Machine Guarding Best Practices. Certificate numbers must be attached to machine guarding projects. OSHA-required repairs are funded regardless but the Ergonomics category funding eligibility has been deleted.

MOCK OSHA INSPECTION

MDE requires that OSHA deficiencies noted under the H&S Management Assistance program be reviewed and addressed in the district’s board-approved annually submitted Health and Safety program [Attachment 99]. The agency recommends the same consideration be given for Mock OSHA inspections conducted by insurance risk management and consultant.

BUILDING ENVELOPE AND OTHER H&S EXCLUSIONS

Per M.S. 123B.57 Subd 6(b), health and safety revenue must not be used for replacement of building materials or facilities including roof, walls, windows, internal fixtures and flooring, non-health and safety costs associated with demolition of facilities, structural repair or replacement of facilities due to unsafe conditions, violence prevention and facility security, ergonomics, building and heating, ventilating and air conditioning supplies, maintenance, cleaning, testing, and calibration activities.

FINANCE CODE 347 - PHYSICAL HAZARD CONTROL

PLAYGROUND – RESURFACING AND OTHER HAZARDS

The cost to install impact-attenuating surface materials under playground apparatus, from which a child may fall, is an allowable expenditure of Health and Safety Revenue up to a maximum of \$7 per sq ft. See Consumer Product Safety Commission Website <http://www.cpsc.gov/> for more information. The cost to correct (but not replace) unsafe outdoor playground apparatus is allowable, as reported on by a person trained in playground safety under the National Recreation and Park Association's Certified Playground Safety Inspector Course. This evaluator does not have to be a district employee. The cost to seal wooden play sets that might leach Chromate Copper Arsenate [CCA] is allowable.

SWIMMING POOL HAZARDS

Costs to bring swimming pools up to code per MN Rule Chapter 4717, capital but not operational expenses, are allowable. Basis for funding projects for removal of swimming pool hazards shall be orders from a Minnesota state agency only (or local governmental body under contract). Cost for depth correction is excluded.

The 2008 Legislature passed the "Abigail Taylor Pool Safety Act" in Laws 2008, Chapter 328, that requires districts by June 1, 2008 to assure that drain covers and grates are installed with screws that meet manufacturers specifications and by July 1, 2008, school districts must certify that 1) all outlets except for unblockable drains are equipped with covers in compliance with ASME or ANSI standards, and 2) all covers and grates have been inspected to ensure that they were properly installed and are not broken or loose. Beginning January 1, 2011, all school district pools must have 1) an unblockable suction outlet or drain, 2) at least two suction outlets, in parallel, with approved covers, 3) a gravity outlet, or 4) any other system determined by MDH to be effective. All pool construction plans after January 1, 2009 must be certified by a Minnesota-registered engineer.

BLEACHER REPAIR OR REBUILDING

Bleachers were required to be brought to M.S. 16B.616 safety standards by January 2002. Only those bleachers cited by building code officials as requiring work cited in M.S. 16B.616 are eligible for funding for Pay 2009. For replacement to occur, the design professional must clearly state in writing that [1] replacement is needed from a safety viewpoint and [2] the cost to repair is higher than replacement, providing side-by-side repair vs. replacement cost information. Re-inspection per M.S. 16B.616 is allowable but repairs are not, unless cited by a building code official. Portable bleachers are not allowed but safety guard repairs to choral risers without guards are allowed to be funded.

MECHANICAL AND POWER EQUIPMENT-SAFETY MODIFICATION

Equipment with unsafe design or operation can be modified for safe operation or replaced with H&S Revenue if the modification is done to meet an OSHA safety standard or MDE Machine Guarding "best practices." For the latter, projects must include the workshop attendance code assigned to each attendee. See MN OSHA standards or "Best Practices" manual for information.

OSHA PHYSICAL OR ELECTRICAL HAZARD VIOLATIONS

Expenses associated with correcting OSHA physical or electrical hazard violations identified by an OSHA or mock-OSHA inspection may be allowed under Health and Safety, if they are clearly linked to an OSHA statute or standard. Work not identified and specified at the time of project entry will not be approved except as provided for above.

FOOD CODE SAFETY -- MDH HEALTH CODE REQUIREMENTS FOR KITCHEN STAFF

Costs to bring kitchens up to physical code per MDH Food Code Rule, capital but not operational expenses, are allowable. Basis for funding projects for removal of kitchen hazards shall be orders from a Minnesota state agency only (or local governmental body under contract). These do not include kitchen licenses or certification costs, but do include costs for MDH inspections and MDH mandated improvements (requires MDH orders). Staff training for food code safety portion only may be included under health, safety and environmental management, under FIN Code 352 and is subject to that category's spending cap.

METAL HALIDE LIGHTING

The replacement of open or wire grid fixtures with enclosed fixtures, or the replacement of non-self extinguishing "R" type high intensity metal halide and mercury vapor light bulbs used in open or wire grid fixtures with self-extinguishing "T" type light bulbs or comparable lighting is an allowable expenditure under Health and Safety.

TEMPERATURE IN KITCHENS AND OTHER SPACES

Expenses necessary to maintain temperatures in work areas where "moderate" or greater levels of work are performed, such as kitchens, in accordance with Minn. Rule 5205.0110 are an allowable use of H&S revenue. Cost for increasing airflow to levels called for under State Mechanical Code is allowable. Cost for air conditioning is not, unless justified by extraordinary circumstances.

ELEVATOR AND LIFT INSPECTIONS

Costs to inspect elevators and lifts are allowable under Health and Safety where required under OSHA 29 CFR 1910 and 29 CFR 1926. Cost for repair or replacement is not allowed. Elevator repair costs to meet recently-enacted safety criteria are not fundable under this program.

ELEVATOR HYDRAULIC CYLINDER REMOVAL AND FLUID ABATEMENT

Removal of leaking pre-1973 (approximately) single bottom hydraulic elevator cylinders and abatement of any leaked hydraulic fluid is an allowable use of health and safety revenue. Replacement of the hydraulic cylinder is not allowed. Please provide inspection report.

PERSONAL PROTECTIVE EQUIPMENT

The cost to purchase PPE (personal protective equipment) for use by staff and students in the areas of industrial and fine arts, and science is allowable. PPE funding is allowed for employees in all areas of hazardous work per OSHA standards. The PPE equipment shall be owned by the district, remain in its possession and under its control, and shall not be used for any purpose other than allowable activities in these areas. PPE for extracurricular or athletic activities shall not be funded as there is no connection to OSHA. PPE for bird flu pandemic is allowable, for staff only.

FINANCE CODE 349 - HAZARDOUS SUBSTANCE

LEAD TESTING OF TOYS

Lead testing of toys and furniture in classrooms and disposal of the same are allowable under this finance code. Replacement of toys and furniture are not an approvable cost.

WOOD BOILER HAZARDS

Only particulate-emitting [e.g. wood or coal] boilers, which emit excessive particles during normal operation or which can cause life safety risks due to potential fire or explosion may use H&S revenue to correct the hazard. Only necessary repairs to this category of boiler, but not replacement of the boiler unit or its accompanying components, are an allowable use of Health and Safety Revenue. Facilities to house a replacement system cannot be built or repaired with H&S revenue.

FUEL TANK REMOVAL/ REPLACEMENT, AND CLEANUP [UST and AST]

The cost to properly clean up any petroleum product spills, and the repair or removal but not the replacement of any underground storage tank or any above ground storage tank (including piping) is

allowable expenditures of Health and Safety Revenue. The cost for monitoring systems but not their maintenance is allowable. The cost to test a UST/AST tank for leakage is allowable. Fuel oil costs for tightness testing is not allowed. Cost for cleanup should be submitted to the MN Petrofund for reimbursement. Fuel oil tanks may remain indefinitely—there is no mandatory limit on their use. Under current law, the MN Petrofund expires June, 2012. In that event, further information will be provided regarding the waiver process. Fuel oil tank tightness testing is recommended biennially for all UST_ASTs.

HAZARDOUS/INFECTIOUS WASTE MANAGEMENT AND DISPOSAL

The cost for collection and disposal of hazardous or infectious waste and payment of fees, as required by State or federal regulations, are allowable expenditures. E.g. **U of M's Chemical Safety Day**. Hazardous/infectious waste [e.g. lead from lead abatement, sharps disposal] is an eligible expenditure. These now include radioactive materials.

LEAD IN WATER; TESTING AND MITIGATION – see M.S. 144.9501—144.9509

The cost of sampling and analysis of water, paint and soil due to possible lead contamination is allowed. Lead abatement due to the presence of lead is not automatically allowed. The condition of the lead must be such that either the MDH or MN OSHA would cite it—this must be documented. Abatement work must meet the criteria of “regulated lead work” to qualify for funding. Especially note M.S. 144.9505 Subd. 6 for new contracting entity requirements. Districts are encouraged to perform lead in water testing every five years, or when pipes or fixtures are modified. Replacement building or facilities materials are allowable except where prohibited under M.S. 123B.57.

COPPER IN WATER

The cost of sampling and analysis of water due to possible copper contamination is allowed. Copper abatement due to elevated dissolved levels is allowed if the MDH or MN OSHA issues health orders. Replacement building or facilities materials are allowable except where prohibited under M.S. 123B.57.

LOCAL EXHAUST VENTILATION SYSTEMS

The cost of design, materials, and installation of local exhaust systems and required make-up air that is used for purpose of controlling regulated hazardous substances is allowed. Examples of processes that potentially generate regulated hazardous fume, vapor, or dust are; welding operations, wood processing, wood finishing, automotive parts cleaning and degreasing, sand blasting, spray painting, science experimentation, art-ceramic glaze firing, and kitchen food venting. Cost for general heating, ventilation and air conditioning is not specified here. Systems design and specifications shall be completed by an individual or company experienced in ventilation systems for industrial contaminant control, and shall be consistent with recommended practices described in the Industrial Ventilation Manual: American Conference of Governmental Industrial Hygienists or comparable references.

RADON - DETECTION & MITIGATION

The cost to test for and remediate elevated levels of radon is an allowable use of Health and Safety revenue. An EPA-accredited radon project designer shall accomplish design work. A list of service providers can be gotten from Mr. Bill Angell, U of M Environmental Sciences. Replacement building or facilities materials are allowable except where prohibited under M.S. 123B.57.

WELLS AND WELL CAPPING

The cost to reduce excessive organic or inorganic levels in wells is allowable. The cost to properly cap an abandoned well is an allowable expenditure of H&S Revenue.

BOILER-MAIN SUPPLY BACK FLOW PREVENTOR AND FLOOD-PREVENTION FLOOR DRAINS

The cost to test and install/replace suitable devices, which prevent the backflow of contaminated water in a boiler system to potable source, is an allowable expenditure. Also, the cost to test and maintain one way drains to prevent floodwaters from backing into buildings is allowable. These should be checked annually.

FINANCE CODE 352 - ENVIRONMENTAL, HEALTH & SAFETY MANAGEMENT

HEALTH, SAFETY AND ENVIRONMENTAL MANAGEMENT

See Attachments #4 for details. These activities include [1] hazard assessment; [2] required training; [3] record keeping and [4] program management for each element identified in the attachment that is a hazard. Program management shall include at a minimum a written plan and the name of a contact person who is onsite and knowledgeable about the plan. Health, safety and environmental management (all expenses allowed under FIN CODE 352, below) is capped by an amount determined by the commissioner, per M.S. 123B.57 Subd. (8)(a). The formula for calculating this per district can be found on the first page of Attachment 4 of this letter.

SAFETY COMMITTEE AND AWAIR

Required under M.S. 182.676: start-up and operational expenses, including wages of employees and substitutes, may be included under this project. Expenses toward implementing the **MN Model AWAIR Program for Schools** are allowable as well. Contact the regional Service Cooperative H&S Management Assistance professional or the MDE for a copy of this document.

ASBESTOS INSPECTION

Cost for AHERA required three-year re-inspections are allowable. Per US EPA, next round of AHERA re-inspections are due to be completed no later than **July 2010**.

SCIENCE LAB - INVENTORY & OTHER SAFETY COMPLIANCE

The cost to inventory all chemicals is an approved expenditure of H&S Revenue. Costs to clean out or otherwise maintain chemicals are not allowable. See Attachments 5 & 6 for additional allowable expenses.

EMPLOYEE RIGHT-TO-KNOW

Expenses for Employee Right-to-Know training and supplies under MN Rules 5206 are allowable expenditures of H&S Revenue. This remains the highest-cited program by MN OSHA and the first program MN OSHA checks on when they visit the district.

BLOODBORNE PATHOGEN STANDARD COMPLIANCE

The cost to develop and maintain a written program, train employees [not including the wages of attendees], maintain records, provide vaccinations and titers confirmation, and purchase preventative supplies as required by OSHA 1910.1030 are allowable expenditures. Vaccines should be purchased for employees whose exposure puts them under the coverage of this standard. The employer must determine which employees have job duties involving a reasonably anticipated risk of exposure to blood, especially first aid duties. Post-exposure medical evaluation expenses are also allowed [up to the point of medical determination of infectivity or non-infectivity].

INTEGRATED PEST MANAGEMENT

Costs to implement the Janet B. Johnson Parents' Right-to-Know Act are allowable under H&S. See Attachments 4 and 8, and M.S. 121A.30 for additional details. Costs to apply pesticides (including management costs) are not allowable.

COMPUTER BASED MANAGEMENT SUPPORT PROGRAMS

Computer based management support programs that are used for H&S management and record keeping are eligible for H&S funding. Those used for facilities support are not eligible. A district using a system that includes both capabilities must apportion costs. The district shall own all rights to the data and shall be provided with a proper method of obtaining it upon request. Data entry costs and periodic software upgrades to keep the system current for the H&S portion only are allowable: non-H&S maintenance and entry costs are not allowed for funding.

H&S MANAGEMENT ASSISTANCE (MA)

The cost of funding H&S Management Assistance professionals is allowable. MA services must be provided by a trained H&S professional having significant field work experience, making the person competent to evaluate programs that make up a district's H&S program. The person providing the MA services may be an independent contractor, an employee of a private contractor, a Service Cooperative employee or an H&S professional employed by the district. The person must be hired by the district (can be through the service cooperative representing the district), or if employed by a private contractor must be identified in the contract as the person providing the MA services. To avoid a conflict of interest, the person doing the management assistance work shall not be a person who also does other H&S work for the district, either as HSEM or as a project contractor.

THREE-YEAR FIRE INSPECTION

The cost of funding the state-mandated fire inspections required of each school building every three years is an allowable Health and Safety expenditure. See new M.S. 299F.47 that replaced M.S. 123B.73.

INDOOR AIR QUALITY (IAQ) MANAGEMENT PLAN AND IAQ COORDINATOR EXPENSES

Costs related to the development and implementation of the IAQ Management Plan, Including those associated with IAQ Coordinator activities, shall be funded under FIN CODE 352.

AUTOMATIC EXTERNAL DEFIBRILLATORS AND OTHER EMERGENCY PLAN EQUIPMENT AND SUPPLIES

Funding is allowed for equipment and supplies that are identified as needed for proper emergency plan operation, if they are specifically named in the district's emergency plan developed under the H&S program. Large capital items such as vehicles, emergency people moving devices, remodeling or renovating spaces to accommodate emergency activities, building PA or emergency announcement systems and the like are excluded unless ordered by the SFM office. If questions arise, contact the MDE for clarification. Emergency plan costs for violence prevention and building security, and for bird flu are not allowable.

FINANCE CODE 358 - ASBESTOS

ASBESTOS REMOVAL and/or ENCAPSULATION

All asbestos removal, repair and encapsulation projects are allowable expenditures. Repair and maintenance costs include supplies, labor and contracted services. Per M.S. 123B.57 Subd. 6(b) H&S funding cannot be used for any replacement materials.

ASBESTOS REPAIR AND/OR MAINTENANCE

Repair and maintenance costs for O&M activities (e.g. glovebag and mini-enclosure) including supplies, labor, and contracted services are allowable expenditures of Health and Safety Revenue. For districts using in-house resources, a detailed record of work-hours dedicated to such work shall be maintained: a blanket percentage is not adequate. Per M.S. 123B.57 H&S funding cannot be used for any replacement materials.

ASBESTOS CEILING TILE REMOVAL AND REPLACEMENT

H&S funding cannot be used for any replacement materials following abatement.

ASBESTOS FLOOR TILE REMOVAL

Asbestos containing flooring [tile and linoleum] may be removed with Health and Safety Revenue. H&S funding cannot be used for any replacement materials.

ASBESTOS ROOF REPAIR

Where a school building is constructed with a roof system containing asbestos materials, approval for Health and Safety Revenue may be given to assess and remove but not replace the asbestos containing roofing materials. H&S funding cannot be used for any replacement materials.

ASBESTOS - STAFF TRAINING

Training costs as required by AHERA for school district employees who participate in operations and maintenance is an allowable expenditure of Health and Safety Revenue. These include Designated Person, 14-Hour O&M and 2-Hour awareness training. EPA accredited course training is not included unless there is a documented history of activities for which the individual is accredited.

ASBESTOS WORKER REQUIRED HEALTH PHYSICALS

The cost for a physical examination required for persons working with asbestos are an allowable expenditure of Health and Safety Revenue.

FINANCE CODE 363 - FIRE AND LIFE SAFETY

FIRE AND LIFE SAFETY EXPENDITURES

Fire and Life Safety expenditures under Health and Safety in support of MUFC (MN Uniform Fire Code) and IFC (International Fire Code) shall be allowed **only based on orders from the school State Fire Marshal section**. Note that the MUFC has been replaced with the IFC. Districts may be operating under orders from either standard at this writing. Orders from local municipalities will be honored if operating under written agreement with the SFM's office.

FIRE SAFETY SELF INSPECTION CHECK FOR SCHOOL

See the Attachment #6 for this checklist and allowable expenditures.

FACILITY - DEMOLITION

Project cost to raze or demolish a facility is not allowable except for abatement of that portion of the demolition that contains hazardous materials (e.g. asbestos, PCBs, etc.). See M.S. 123B.57 Subd. 6(b). The cost to repair exterior finish, re-roof or remodel the remaining portion is **not** an allowable expenditure of Health and Safety Revenue. Districts shall ensure the property is not listed on any historical building register. Due to a court decision, the district is required to confirm this in writing with MDE before funding for any abatement work can be approved. Visit <http://nrhp.mnhs.org/> to obtain this list.

FIRE ALARM EQUIPMENT

Expenditure of Health and Safety Revenue is allowable to provide for the cost to design, purchase, install and maintain a new or upgraded fire alarm system as required to comply with fire and life safety code.

FIRE EXTINGUISHER INSPECTION AND MAINTENANCE

The cost of inspection, required testing and subsequent recharging of fire extinguishers following hydrostatic testing is allowable. Cost for replacement or recharging resulting from any use, accidental or intentional is also allowable.

FIRE MARSHAL ORDERS

The use of Health and Safety Revenue for compliance with State Fire Marshal orders is allowable. Costs for local fire chief orders not required by the SFM program shall not be funded unless issued under written agreement with the SFM's office. For projects exceeding \$10,000, a fire marshal plan review is required [John Swanson 651/201-7218 or John.Swanson@state.mn.us]. Costs for local fire chief orders exceeding \$10,000 shall not be funded unless either approved by the SFM's office or based on orders and a plan review consistent with SFM criteria, based on a current contract between the local fire chief and the SFM. This evaluation constitutes the engineering report that would otherwise be required. Plans are also accepted for new construction and are encouraged by the MDE and SFM (but not funded under H&S). Please allow the Plan Reviewer sufficient time [at least 30 days] to evaluate your plans. The MDE must receive confirmation of this review before project approval is give, although a "PPA" may be assigned until November 7, 2008.

LIGHTING - EMERGENCY OR EGRESS

The costs for design, purchase, and installation of new or upgraded emergency lighting are allowable Health and Safety expenditures. Lighting project costs exceeding \$10,000 shall be submitted to the State Fire Marshal School Plan Reviewer for plan review. Emergency lighting length of time operating capacity shall meet minimum fire marshal criteria, at least 30 minutes.

FACILITY EVALUATION FOR STRUCTURAL SAFETY

The cost for a structural evaluation of a facility by architect or engineer to determine if it is safe is no longer an allowable expenditure under H&S. Ref: M.S. 123B.57.

FACILITY - MODIFICATION

Costs of modifications or repairs to existing school facilities that are necessary to correct a safety or health hazard, unless allowed under M.S. 123B.57 are not allowed. Consideration will be given to hazards that violate MN Rule 5205.0660 and are based on MN OSHA orders. Ref: M.S. 123B.57.

COMBUSTIBLE AND HAZARDOUS MATERIALS STORAGE

Based on SFM orders (and plan review if costs exceed \$10,000), a district may use H&S funds to construct a space within existing facilities to store combustible materials, or may purchase equipment for this purpose. If the materials are flammable, a district may purchase or construct a space outside existing facilities to store the materials, so long as costs are reasonable and storage is for flammable materials and small machinery (not greater than 300 sq ft in size or costing more than \$9,500).

FINANCE CODE 366 – INDOOR AIR QUALITY (IAQ)

INDOOR AIR QUALITY (IAQ) MANAGEMENT PLAN AND IAQ COORDINATOR EXPENSES

Costs related to the development and implementation of the IAQ Management Plan, Including those associated with IAQ Coordinator activities, **shall be funded under FIN CODE 352**. Ref: M.S. 123B.57

INDOOR AIR QUALITY

Engineering, design and project management evaluation [including sampling] fees for Indoor Air Quality investigation is an allowable expenditure of Health and Safety Revenue. To qualify, the district must have an IAQ Coordinator, have submitted Attachment #99 in 2008 and have an operational IAQ Management Plan. If these requirements are not met, no new projects will be approved until they are met. For more information see Attachment #7.

INDOOR AIR QUALITY COORDINATOR – FUNDED UNDER FIN CODE 352

The MDE does not require that the IAQ Coordinator be an employee. However, the following criteria must be met:

- A specific person must be identified as the IAQ Coordinator
- The person must be MDE-certified [attended MDE/MDH-sponsored training and received a certificate].
- The person must be able to answer the four basic questions for parents [see below] in a timely manner, and possess the wherewithal to administer the district's IAQ Management Plan for the district.
- The person must have authority to receive and respond to [for the district] parents and local complaints as well as problems and complaints forwarded by state agencies.
- Authority and responsibilities of the person shall be included with the IAQ Management Plan.
- Person must be based at the district or spend the preponderate portion of his/her time there.
- The function of IAQ Coordinator shall be separate from that of buildings systems maintenance expert. It is not the intent of MDE to allow this position to circumvent the separation of IAQ Management and facilities maintenance management/preventive maintenance functions.

INDOOR AIR QUALITY MANAGEMENT PLAN

The person who is functioning in the capacity of IAQ Coordinator shall be able to answer parents' four basic questions [see below] and to respond to parent complaints received by state agencies. Wage costs needed to provide this capacity is an allowable H&S expenditure.

- Where can parents go to find answers to their IAQ questions and concerns?
- Where can a parent obtain checklists or other self-help information so they can properly evaluate their child's home or other out-of-school situation, including information provided by their child's physician? Parents want to do their part in working toward solutions.
- How can a parent obtain information about school facility construction, maintenance and housekeeping practices, chemicals used, mold and HVAC-related information, chemical-producing academic subjects, pesticides and herbicides, and the like to determine the extent to which school activities contribute to a child's symptoms?
- What can a parent do--how can a parent effect change--upon discovering questionable activities occurring within schools? Examples might be poor ventilation in the auto maintenance shop resulting in exhaust fumes or construction fumes leaking into the occupied portion of a building.

MECHANICAL VENTILATION

After an engineering study by PE [professional engineer] has been done and a report of the study is reviewed by MDE, a one-time cost [1] to upgrade an existing mechanical ventilation system to the current MN State Mechanical Code/ASHRAE level of approximately 15 CFM/person or [2] to replace it to meet current code is an allowable expense under H&S. Written third party verification is required to be submitted of all project work before a mechanical ventilation project will be approved. Either a report or summary of a report signed by architect/engineer is allowable. See Attachment 7 and pages 62 and 63 for details on this reporting requirement. This report must contain the existing CFM per person rate, the design-intended CFM per person rate, a description of the system components, a diagram of the system and the system's cost. The new design-intended airflow rate shall be available over the outside temperature range reasonably anticipated using current engineering standards. Cost to add or remove humidity is allowable to meet ASHRAE and State Mechanical Code but cost to air-condition is not. Components benefiting energy/cost-savings only are not allowed. Costs for DDC control logic, but not a thermal recovery system are allowable, but only if the HVAC system is being replaced or if an HVAC system upgrade results in a significant ventilation rate improvement. Maintenance and maintenance management costs (including testing for these) are not allowed. Excluded from funding are building HVAC supplies, maintenance, cleaning, testing and calibration (e.g. TAB and commissioning) activities. Airflow measurement activities not in support of a replacement/upgrade project may be funded under FIN CODE 352. All projects that exceed \$500,000 in cost must undergo Review and Comment or receive an exemption per M.S. 123B.71.

For mechanical ventilation projects, work funded under H&S shall not cause the room noise level to exceed an NC [noise criteria] greater than NC 35 at any location where students are seated listening to presentation/discussion or locations where teachers ordinarily present. Sound level measurements shall be made at the location of the closest student or teacher "stations" to confirm the standard is met, and payment withheld until it does. NC 35 roughly corresponds to 45 dBA. For H&S funding, this shall be inserted as performance criteria in the relevant contract language and verified by the system inspector under M.S. 123B.72.

There has been growing evidence that some completed work meets neither state mechanical code nor design criteria for ventilation rates and noise criteria. MDE insists that all approved HVAC upgrade/replacement work be verified using reliable quantitative measuring techniques done by a third party entity. "Third party entity" means that the third party (the verifiers) cannot be financially influenced by the ventilation contractor. A suggested method is to employ School Facility Commissioning Guidelines found at <http://education.state.mn.us/mdeprod/groups/Finance/documents/Publication/003978.pdf> together with the requirement to verify the mechanical ventilation rate for each occupied space over the expected outside temperature range. Work which does not meet code and contract should be rejected until it does, and measures to compel proper completion be employed, such as withholding final payment, performance bond, errors and omissions insurance and/or a directly-worded letter from the district's attorney.

MOLD CLEANUP AND ABATEMENT

After an engineering study by architect or engineer is conducted and written report received by MDE to establish the water damaged areas and repair cost estimates, costs to remove contaminated building components and furnishings, and for subsequent cleanup is an allowable expenditure. Written third party verification is required to be submitted of all project work before a mold abatement and/or cleanup project will be approved. Requests where the amount of mold or water damage, as substantiated by report, is minor will be treated as routine maintenance and not approved for H&S funding. Replacement building or facilities materials are allowable except where prohibited under M.S. 123B.57. See Attachment 7 for reporting details. Fixes of external causes leading to water intrusion [e.g. leaking walls, windows and roofs, poor drainage, poor site] are ineligible for H&S funding. Trained and protected persons shall abate mold areas using mold abatement procedures and adequate personal protective equipment. Wherever feasible, the MDH's Best Practices Manuals shall be followed. For mold abatement projects that are less than \$10,000 contact the Management Assistance professional or the MDE for guidance on how best to document the work.

COSTS TOWARD TESTING AND BALANCING AND COMMISSIONING MECHANICAL VENTILATION SYSTEMS

Per Laws 2006, testing and balancing or re-commissioning are allowed to be funded under H&S, at intervals of no less than five years, commencing with FY 2008. Recommissioning includes measurement, air flow balancing and system adjustment for air flow only. Recommissioning does not include repairs or software changes.

NOT FUNDABLE UNDER FIN CODE 366

CARPET

Cost to purchase HEPA [or near-HEPA] vacuum cleaners and high quality carpet extractors is not allowable.

ENGINEERING AND OTHER PROFESSIONAL SURVEYS, TESTING AND REPORTS

All assessments, investigations, inventories and support equipment not leading to the engineering or construction of a project shall be included in the health, safety and environmental management costs in M.S. 123B.57 Subd. (8)(a), or FIN CODE 352. These are allowable under Health and Safety if intended to substantiate a Health and Safety concern. "Base-line" studies are fundable under FIN CODE 352 and must include evaluation of HVAC systems outside air flow-rate per minute per person [CFM per person] to each occupied area in the building. Tools For School Ventilation Checklist Activity 22 is allowable as an assessment method (measures airflow), fundable under FIN CODE 352 and is not considered system maintenance. Indefinite assessment monitoring and/or testing operations or testing that is not validated by a competent professional (e.g. industrial hygienist) is not allowed under H&S funding.

OPERATIONS AND MAINTENANCE COSTS APPLIED TOWARD IAQ-RELATED ACTIVITIES

This category is not permitted under Health and Safety. This includes planned or preventive maintenance.

ASSESSMENT COSTS

Costs toward evaluating a building or its sub-systems for unsafe or unhealthy conditions per the US EPA Tools For Schools checklists are an allowable expenditure, which is capped under M.S. 123B.57 Subd. (8)(a). Costs to evaluate building sub-systems that are intended to establish the operational effectiveness of these systems is considered maintenance and is not allowable.

COSTS TOWARD IMPROVED FILTRATION

Original and replacement filters or filtration systems are not allowable under Capital Expenditure: Health and Safety.

COSTS TOWARD CLEANING HVAC SYSTEMS AND TO INSTALL ACCESS PORTS

Cleaning and the installation of access ports are not allowable under Health and Safety Revenue.

HEALTH, SAFETY AND ENVIRONMENTAL MANAGEMENT—MANAGEMENT PROGRAM A LIST OF POSSIBLE HAZARDS FOUND AT SCHOOL DISTRICT SITES

This attachment does not establish what is fundable under Health and Safety. M.S. 123B.57 Subd. 6. Please see Attachment 3 for this purpose. The purpose of Attachment 4 is to suggest what a district should consider including in establishing its Health and Safety program and plans. A district's cost to provide the following management services and functions, as well as functions listed in Attachment 3 FIN CODE 352, are considered allowable expenditures. A district may fund activities of Health and Safety Committees to identify safety hazards, prioritize and schedule their abatement. A cost to support AWAIR Safety Committees, including hourly wages of employees and substitutes, is allowable. A district's management program may be accomplished with its own personnel, through contracted services or a combination of the two. Where the district's own personnel provide this function, a separate accounting of personnel time and activity charged to a finance code must be maintained, so the expenditures can be audited if requested. Estimates must be identified as clock hours, not percentages of time or other means.

Funding Formula, per M.S. 123B.57 Subd. 8: For FY 2008 and FY 2009, a new methodology for funding was used for Health, Safety and Environmental Management (FIN CODE 352) costs. Using a two-tiered biennial approach, the maximum expenditure for the two years, was established at the greater of \$31.51 per FY 2005 AMCPU or an amount equal to \$0.40 times the first 50,000 SQ FT plus \$0.208 times the remaining SQ FT. The same methodology and amounts will be used in the calculation of maximum FIN 352 expenditures for FY 2010 and FY 2011 in the 2008 Pay 2009 levy.

Example: For the FY 2010 and FY 2011 biennium, ISD 999 has 1,200 AMCPUs and 195,000 SQ FT, so comparing its max amount by student count (\$37,812) and by SQ FT (\$50,160) establishes its absolute FIN CODE 352 max at \$50,160 over the biennium. It can spend half in each year, or 60/40 or 65/35 percent as it chooses. Whatever it doesn't spend the first year is available in the second, **but no more**. Another example: ISD 888 has 1,200 AMCPUs and 120,000 SQ FT, so its amounts of \$37,812 and \$34,560 favor AMCPU amount over SQ FT. As before, district requests for HSEM revenue in excess of these limits will result in a "Negative Adjustment" project generated by the MDE, which will reduce the total FIN CODE 352 approved amount to a maximum. FY 2010, the negative adjustment is imposed if the district request exceeds the biennium max amount. For FY 2011, the negative adjustment is imposed if the district request exceeds the remaining allowed max amount.

Asbestos

- Identify current designated person; ensure designated person is AHERA-trained.
- If DP is not a district employee, identify local Contact Person representing school.
- Review and update existing Asbestos Management Plan.
- Develop and disseminate annual written notification.
- Provide 14-hour Maintenance/Custodial Operations and Maintenance (O&M) Training.
- Establish a General Work Order System and Asbestos Work Order System.
- Establish Work Practice Standard Operating Procedures.
- Establish Emergency Response Procedures.
- Establish respiratory protection program component for asbestos.
- Provide 6 month Periodic Surveillance of asbestos.
- Maintain and update the asbestos inventories.
- Maintain all records of asbestos events, per OSHA and AHERA.
- Establish and implement Medical Monitoring and Surveillance Program.
- Schedule response action implementation.
- Provide liaison with Project Designer for those projects, which exceed 3 feet.
- Provide and post Hazardous Warning labels in routine maintenance areas.
- Provide 2-hour Asbestos Awareness Training, necessary for all Maintenance/Custodial persons.
- Perform Three Year Reinspection no later than July 2010.
- Review program and obtain school board approval at least annually.

Underground Storage Tanks (UST) and above ground Storage Tanks (AST)

- Develop and implement a Written Management Plan for each UST and AST.
- Identify school district Contact Person(s) for each UST and ASTs.
- Ensure all USTs above 110 gallons are MPCA-registered.
- Ensure all AST installations which are used for combustible materials are reviewed by fire marshal.
- Develop and implement release detection (e.g. tightness testing) plans for all USTs (fuel oil also).
- Conduct leak detection testing at frequent intervals for USTs if electronic monitors available.
- Produce and submit reports to agencies necessary for compliance (e.g. MPCA tank registration).
- Conduct periodic site review and management plan update (at least annually).
- Review updates on regulatory standards and reporting requirements.
- Provide and maintain inventory control forms.
- Review program and obtain school board approval at least annually.

Infectious Waste (exclusive of Bloodborne Pathogens, if any)

- Develop and implement a Written Management plans for infectious waste, if any.
- Note: blood or other potentially infectious materials are covered under Bloodborne Pathogen
- Identify school district Contact Person(s) for infectious waste management.
 - Identify sources of infectious waste in each facility.
 - Review current infectious waste handling procedures.
 - Review current internal traffic procedures.
 - Review current external transportation/disposal of infectious waste.
 - Evaluate current infectious waste record keeping products and procedures (including archiving).
 - Respond to regulatory agency correspondence, guidelines and recommendations, guidelines and recommendations.
 - Provide updates on regulatory changes and new developments.
 - Provide annual training.
 - Review program and obtain school board approval at least annually.

Playground Safety

- Develop and implement Written Management plans for each playground.
- Identify school district Contact Person(s) for each playground.
- Conduct periodic site review and management plan update (at least annually).
- Present program review to School Board at least annually.
- Conduct audit of district outdoor playground facilities for purpose of identifying equipment and site-related hazards referenced in the Consumer Products Safety Commissioner's (CSPC) current guidelines. See Consumer Product Safety Commission Website <http://www.cpsc.gov/> for more information. Also, see ASTM F 1487 – 95 “Standard Consumer Safety Performance Specification for Playground Equipment for Public Use.”
- Develop, implement and maintain equipment maintenance checklists.
- For H&S funding, inspection by Nat'l Recreation and Park Association “Certified Playground Safety Inspector” is required.
- Review updates on regulatory, guidance standards and new developments.
- Review program and obtain school board approval at least annually.

Emergency Action Plan

- Develop and implement written Management plans for each school for each type of emergency: fire, utility disaster and natural disaster. Violence prevention planning is not supported under H&S, per M.S. 123B.57 Subd. (6)(b).
- Identify school district Contact Person(s) for each emergency plan.
- Survey the facility to determine the facility's ability to provide safe egress or safe shelter.
- Develop Emergency Action Plan procedures and routes per OSHA standard 29 CFR 1910.38.
- Post evacuation or shelter routes and locations, in each classroom, office or assembly area. Route(s) should be shown drawn on 8x11 scale building map, preferably color-coded.
- Train affected employees.

- Review Written Plan as needed, and update (at least annually).
- Develop and implement written record keeping procedures.
- Respond to regulatory agency correspondence, guidelines and recommendations, guidelines and recommendations.
- "...Cooperate with local government authorities to ensure the preparation of plans for the protection of students in an emergency. These plans should include sheltering students in schools, or evacuating them to their homes, as well as using the schools as congregate care centers in support of emergency operations." --MN Executive Order 93-27.
- Review program and obtain school board approval at least annually.

Lead in Water

- Develop and implement a Written Management plan for all drinking water taps.
- Identify school district Contact Person(s) for Lead in Drinking Water.
- Implement MDH Lead in School Drinking Water Guidance Manual provisions.
- Survey each facility to determine the facility's drinking water taps and fixtures. Note- actual testing shall be identified as a separate project.
- Conduct water sampling as provided for under MDH and US EPA rules and guidelines.
- Ensure replacement faucets and hardware meet current NSF lead-free criteria.
- Review updates on regulatory standards, reporting requirements and new developments.
- Maintain all compliance documentation.
- Provide all record keeping activities.
- Train affected employees.
- Review Written Plan as needed, and update (at least annually).

Radon

- Develop and implement a Written Management Plan for Radon identification and remediation.
- Identify school district Contact Person(s) for Radon.
- Implement current US EPA/MDH Radon Gas testing guidance criteria
- Coordinate diagnostics and mitigation of elevated radon.
- Conduct Radon sampling as provided for under MDH and US EPA rules and guidelines.
- Review updates on regulatory standards, reporting requirements and new developments.
- Maintain all compliance documentation: maintain documentation of testing.
- Develop and implement written record keeping procedures.
- Train affected employees.
- Respond to regulatory agency correspondence, guidelines and recommendations, guidelines and recommendations.
- Review program and obtain school board approval at least annually.

Hazardous Waste

- Develop and implement a Written Management Plan for Hazardous Waste. These are defined as wastes, which are toxic, combustible, corrosive or reactive.
- Identify school district Contact Person(s) for Hazardous Waste.
- Review Written Plan as needed, and update (at least annually).
- Identify facility hazardous waste streams by functional areas and by waste stream types.
- Examine facility hazardous waste product generation potential.
- Identify actions that minimize or eliminate hazardous waste generation.
- Develop containerization and labeling procedures.
- Review current handling and storage procedures.
- Implement proper waste disposal procedures. Complete disposal manifests.
- Acquire EPA generator number and MPCA annual permit for each building generating hazardous waste.
- Train affected employees. Provide annual training according to **VSQG** or **SQG** criteria.
- Monitor or provide updates on regulatory changes and new developments. Review updates on regulatory standards, reporting requirements and new developments.
- Develop and implement written record keeping procedures-maintain all compliance documentation.

- Evaluate boiler and other stack emissions to air with respect to current MPCA stack emissions standards.
- Review program and obtain school board approval at least annually.

Community Right to Know

- Develop and implement a Written Management Plan for Community Right To Know.
- Identify school district Contact Person(s) for Community Right To Know.
- Review Written Plan as needed, and update (at least annually).
- Survey facility for hazardous materials in reportable quantities.
- Develop and maintain hazardous materials collection and storage procedures.
- Review invoices of CRTK-reportable materials for quantity verification.
- Initiate in-house reporting procedure(s).
- Prepare notification correspondence/reports to State Emergency Response Commission and local emergency planning committee (frequently the district's local fire department).
- Train affected employees. Provide annual training.
- Develop and implement CRTK-recordkeeping procedures.
- Respond to regulatory agency correspondence, guidelines and recommendations, guidelines and recommendations (i.e. MN Emergency Response Commission).
- Provide updates on regulatory changes and new developments.
- Review program and obtain school board approval at least annually.

OSHA Inspections

- Participate in OSHA review of facility and provide management activity for programs.
- Participate in MDE Management Assistance mock-OSHA review of facility and management programs. District response to this report is required.
- Work with third party inspectors such as insurance groups.
- For information on all OSHA standards, go to <http://www.osha.gov/> and click on the "search" button.

Accident and Injury Reduction Program: Model AWAIR Program for Minnesota Schools.

- Develop and implement a Written Management Plan for Accident and Injury Reduction-AWAIR.
- Develop procedures that outline how managers, supervisors and employees are responsible for implementing the written program and how continued participation of management will be established, measured, and maintained.
- Identify school district Contact Person(s) for Accident and Injury Reduction Program.
- Review Written Plan as needed, and update (at least annually).
- Develop and implement a Written Plan for OSHA-mandated Safety Committees.
- Conduct safety committee meetings, at least quarterly, to identify and eliminate workplace safety hazards. Develop and document methods used to identify, analyze, and control new or existing hazards.
- Identify and document methods of how the plan will be communicated to all affected employees so that they are informed of work-related hazards and controls.
- Develop and document procedures for investigation of work place accidents and corrective action.
- Develop and document procedures that outline how safe work practices and rules will be enforced.
- Review program and obtain school board approval at least annually.

First Aid/CPR/AED

- Develop and implement a Written Management for First Aid/CPR/AED*.
- Identify school district Contact Person(s) for First Aid/CPR/AED. Contracting for services is not fundable.
- Determine time for arrival of first aid providers (outside and in-house). Per MNOSHA CPL 2-2.53, first aid must be available within 8 minutes from any site, including travel time.
- Review Written Plan as needed, and update (at least annually).
- Survey facility for First Aid/CPR/AED needs.
- Provide First Aid/CPR/AED training as required.

- Develop and implement program to provide emergency First Aid Kits. Kits and replacement supplies for the emergency kits are eligible for H & S funding, but not first aid medical supplies in general.
- Review program and obtain school board approval at least annually.

Note: AED refers to Automatic External Defibrillator

Lockout/Tagout

- Develop and implement a Written Management Plan for Lockout/Tagout, encompassing OSHA standard 29 CFR 1910.147.
- Identify school district Contact Person(s) for Lockout/Tagout.
- Review Written Plan as needed, and update (at least annually).
- Survey the facility to identify energy potential physical hazards that require lockout/tagout.
- Review current Lockout/tagout procedures.
- Train affected employees on proper Lockout/Tagout methods and techniques.
- Identify and procure Lockout/Tagout locks, tags and other devices.
- Evaluate Lockout/Tagout record keeping products and procedures.
- Respond to regulatory agency correspondence, guidelines and recommendations, guidelines and recommendations.
- Monitor or provide updates on regulatory changes and new developments.
- Review program and obtain school board approval at least annually.

Compressed Gas

- Develop a written Compressed Gas Plan encompassing OSHA standard 29 CFR 1910.101.
- Identify school district Contact Person(s) for Compressed Gas.
- Review Written Plan as needed, and update (at least annually).
- Survey the facility to determine compressed gas applications.
- Review current compressed gas safety procedures.
- Identify compressed gas toxic and physical hazards.
- Evaluate compressed gas application to determine if confined space rules apply.
- Determine need for metering equipment/supplies (i.e. CO, CO₂, O₂, SO₂, and H₂S).
- Train affected employees on proper compressed gas methods and techniques.
- Monitor compressed gas record keeping procedures.
- Respond to regulatory agency correspondence, guidelines and recommendations, guidelines and recommendations.
- Monitor or provide updates on regulatory changes and new developments.
- Review program and obtain school board approval at least annually.

Employee-Right to Know - Hazard Communication

- Develop and implement a Written Management Plan for Minnesota Employee Right To Know (MN ERTK), in compliance with Minnesota Rule 5206.
- Identify school district Contact Person(s) for MN ERTK.
- Review Written Plan as needed, and update (at least annually).
- Identify Hazard communications functional areas (e.g. kitchen, shops, art, maintenance, etc.).
- Survey the facility to identify chemical, heat, noise, radiation and infectious agents hazards. Review at least annually.
- Manage Material Safety Data Sheet (MSDS) acquisition, compilation and distribution. Ideally, MSDS would be available in functional area.
- Perform Chemical Inventory. Update at least annually. Ideally, chemical inventory would be available with MSDSs in functional area.
- Monitor use and markings on Secondary Use Containers.
- Ensure placement of ERTK Minnesota-approved posters.
- Review and update current ERTK standard operating procedures.
- Perform initial and annual functional area training.
- Provide all record keeping activities and procedures.
- Respond to regulatory agency correspondence, guidelines and recommendations, guidelines and recommendations.

- Monitor or provide updates on regulatory changes and new developments.
- Review program and obtain school board approval at least annually.

Personal Protection Equipment

- Develop and implement Written Personal Protective Equipment Plan, in compliance with 1910.132 through 1910.140. Specific organs targeted for protection are hands, feet and face.
- Identify school district Contact Person(s).
- Review Written Plan as needed, and update (at least annually).
- District must survey the facility to identify unsafe, hazardous processes to hands, feet and face, per standards.
- Perform initial and annual functional area training.
- Provide personal protective equipment as deemed appropriate for the identified hazards.
- Monitor usage, storage and maintenance practices of employees to ensure adequacy of program.
- Provide all record keeping activities and procedures.
- Respond to regulatory agency correspondence, guidelines and recommendations, guidelines and recommendations.
- Review program and obtain school board approval at least annually.

Laboratory Safety Standard - Chemical Hygiene Plan (Mandatory where science labs exist)

- Develop and implement a Chemical Hygiene Plan (CHP) for all laboratories, per OSHA under the Laboratory Safety Standard, 29 CFR 1910.1450.
- Identify school district Chemical Hygiene Officer to administer the Plan (mandatory).
- Review Written Plan as needed, and update (at least annually).
- Survey labs to identify potential chemical exposure hazards.
- Review current Chemical Hygiene Plan standard operating procedures.
- Evaluate chemicals against lab projects for necessary acquisition and quantities. Consider disposal of non-essential chemicals.
- Develop and document routine chemical handling, bulk dispensing procedures, storage and disposal procedures.
- Evaluate engineering controls (e.g. ventilation, chemical storage).
- Train affected employees on proper Chemical Hygiene Plan methods and techniques.
- Develop and document Laboratory Safety record keeping procedures.
- Respond to regulatory agency correspondence, guidelines and recommendations.
- Monitor or provide updates on regulatory changes and new developments.
- Complete fume hood/exhaust ventilation survey. Post results on hood.
- Review program and obtain school board approval at least annually.

Confined Space Standard

- Develop and implement a Written Management Plan for Confined Spaces encompassing the new OSHA standard (M.R. 5205.1040 has been replaced with 1910.146).
- Identify school district Contact Person(s) for Confined Spaces.
- Review Written Plan as needed, and update (at least annually).
- Identify Confined Space Entry hazards. Survey the facility to determine all permit and non-permit confined spaces. Use OSHA Confined Spaces Advisor software found at <http://www.osha.gov/dts/osta/oshasoft/index.html>
- Review current Confined Space Entry Procedures (CSEP).
- Procure and use proper ventilation, communication, personal protective and gas testing equipment, as needed (identify these equipment as separate health and safety projects).
- Train affected employees on proper Confined Space Entry methods and techniques.
- Develop and maintain Confined Spaces record keeping procedures.
- Evaluate Confined Space record keeping products and procedures.
- Respond to regulatory agency correspondence, guidelines and recommendations.
- Monitor or provide updates on regulatory changes and new developments.
- Review program and obtain school board approval at least annually.

Hearing Conservation

- Develop and implement a Written Management Plan for Hearing Conservation 29 CFR 1910.95.
- Identify school district Contact Person(s) for Hearing Conservation.
- Review Written Plan as needed, and update (at least annually).
- Identify Hearing Conservation hazards. Survey the facility to determine all noise hazards.
- Develop, implement and monitor good Hearing Conservation practices and procedures.
- Train affected employees on proper Hearing Conservation methods and techniques.
- Respond to regulatory agency correspondence, guidelines and recommendations.
- Monitor or provide updates on regulatory changes and new developments.
- Review program and obtain school board approval at least annually.

Respiratory Protection Standard

- Develop and implement a Written Management Plan for Respiratory Protection, encompassing OSHA 1910.134 and Federal Register (63 FR 1152, January 8, 1998). Also, this Website addresses respirators further: <http://www.osha.gov/dcsp/ote/trng-materials/respirators/respirators.html>
- Identify school district Contact Person(s) for Respirator Protection.
- Review Written Plan as needed, and update (at least annually).
- Survey, identify and document work practices that require respirator protection.
- Evaluate and quantify when necessary the exposure potential of work practices.
- Review current respiratory protection practices and procedures.
- Training respirator users on the provisions of the Written Respiratory Protection Program and on the respirators they use.
- Provide respirator fit test and pulmonary function tests for workers who wear respirators.
- Develop, document and monitor compliance with record keeping procedures.
- Respond to regulatory agency correspondence, guidelines and recommendations.
- Monitor or provide updates on regulatory changes and new developments.
- Review program and obtain school board approval at least annually.

Bloodborne Pathogen Standard--Exposure Control Plan

- Develop and implement a Bloodborne Pathogen-Exposure Control Plan encompassing OSHA standard 29 CFR 1910.1030. See also Website http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=10051
- Identify school district Contact Person(s) for Bloodborne Pathogen.
- Review Written Plan as needed, and update (at least annually).
- Survey the facility to identify job categories in which employees may be at risk to exposure (Exposure Control Plan exposure determination). **Document this process.**
- Provide Hepatitis B vaccinations to **eligible** employees, not all school employees.
- Train affected employees on proper specific and universal precaution methods and techniques.
- Determine valid exposure incidents. Record and report on "First Report of Injury" for proper insurance treatment.
- Evaluate Bloodborne Pathogen record keeping products and procedures.
- Respond to regulatory agency correspondence, guidelines and recommendations.
- Monitor or provide updates on regulatory changes and new developments.
- Review program and obtain school board approval at least annually.
- For employees identified because they are first aid responders, ensure these individuals are provided first aid training (Red Cross training recommended).
- Develop and implement program to provide Exposure Control Kits (e.g. gloves, masks, gowns, etc.--kits are eligible for H & S funding, but as a separate project).
- Pre or post-exposure evaluation is an approved expenditure under Health and Safety, to the extent of determining if a person is or is not infected, and the type of the disease(s) (e.g. HIV, HBV and HCV).

Indoor Air Quality

- Develop and implement a Written Management Plan for Indoor Air Quality (IAQ), encompassing the US EPA "Tools For Schools." See Attachments #99 for details.
- Identify school district IAQ Coordinator for Indoor Air Quality.
- Survey, identify and document situations and work practices that require Indoor Air Quality remediation.
- Training of employees and building occupants toward optimum Indoor Air Quality.
- Develop, document and monitor plan compliance with record keeping procedures.
- Respond to regulatory agency correspondence, guidelines and recommendations.
- Monitor or provide updates on regulatory changes and new developments.
- Review program and obtain school board approval at least annually.

INTEGRATED PEST MANAGEMENT (IPM) Parental Notification M.S. 121A.30

Integrated Pest Management Definition. A pest control that emphasizes using a balanced combination of tactics (cultural, mechanical, biological, chemical) to reduce pests to tolerable levels while using pesticides as a last resort to minimize health and environmental risks.

- **Notice.** Requires that a public or non-public school (excluding home schools) planning to apply a pesticide that is a toxic category I, II or III product, classified by US EPA, or a restricted use pesticide, as designated by federal law, on school property, must provide a notice to parents and employees
- **School Handbook or Statement of Policies.** In addition to the notice described above, a school that is required to provide a notice shall include in the official school handbook or policy guide a section informing parents that an estimated schedule of applications of pesticides is available for review or copying and that a parent may receive prior notice of each application if requested.
- **Notification for Individual Parents.** Allows a parent to request individual notice of pesticide application on a day different from the days specified in the notice. Prior to applying pesticides, a school must give reasonable notice to a parent requesting such notice.
- **Integrated Pest Management Plan.** Permits each school board to notify students, parents and employees that it has adopted an integrated pest management plan if the plan is a managed pest control program designed to minimize the risk to human health and the environment and to reduce the use of chemical pesticides, and which ranks response to pests in a specified manner.
- **Pesticides and Pests Defined.** "Pesticide" has the meaning given it in M.S. 18B.01, Subd. 18, except that it does not include any disinfectants, sanitizers, deodorizers, or antimicrobial agents used for general cleaning purposes. "Pest" has the meaning given it in M.S. 18B.01, Subd. 17.

FOOD SAFETY INSPECTION-CERTIFICATION

- Develop policies and procedures to support the Minnesota Food Code rule
- Identify school district contact person (Certified Food Manager) who demonstrates knowledge of the Minnesota Food Code
- Review updates on regulatory standards and reporting requirements
- Identify critical areas and use a systems approach with HACCP (Hazardous Analysis Critical Control Points)
- Respond to regulatory agency correspondence
- Provide annual training
- Review program and obtain school board approval at least annually, per M.S. 123B.57.

WELDING, CUTTING OR BRAZING 1910.251

- Written Plan
- Contact person
- Talk to OSHA as there are many requirements
- Provide training to employees
- Recordkeeping
- Annual review

This is an important topic since many schools have welding shops and most maintenance crews do welding.

ELECTRICAL SAFETY 1910.331—1910.335

- Written plan
- Contact person
- Provide training to employees
- Select and use safe work practices
- Determine safe use of equipment
- Provide for protective equipment (contact OSHA for more info)
- Provide training to employees
- Recordkeeping
- Annual review

Many incidents of electric shock occur in schools each year.

HOIST LIFT Minn. R. 5205.1200

- Develop and implement a written plan
- Contact person
- Inventory hoists rated one ton or less and backhoes
- Inspect and document inspection on listed equipment initially for compliance with the regulation
- Conduct daily to monthly inspections (depending on use)
- Ensure safety latches are provided on all hoist hooks used on hoist
- Provide training to employees
- Recordkeeping
- Annual review

FORKLIFT SAFETY 1910.178

- Develop and implement a written plan
- Contact person
- Inventory forklifts
- Identify employees who operate forklifts and provide required training
- Conduct carbon monoxide monitoring (5205.0116) in space and tailpipe emissions for non-battery operated forklifts
- Inspect forklifts and provide for all safety equipment required

MACHINE GUARDING

- Machine guarding contact person identified by name.
- A written machine-guarding (shop) plan developed for each area where fixed machines are used.
- Shop equipment safeguarded per Machine Shop and Guarding “Best Practices” manual. Shop equipment not safeguarded should be scheduled for proper safeguarding or replaced.
- Annual training for affected employees provided and documented.
- A written preventative maintenance program to maintain machine guarding in proper repair and order developed.
- Power outage protection provided for all required equipment.
- Emergency stops provided for all required equipment.
- Proper guards provided for all equipment.
- Safe work practice placards required for all equipment
- Color coding required for all equipment
- Good bid specification criteria used for procurement of all future equipment.
- A specific person, trained and certified, must be identified as the shop equipment coordinator to obtain H&S funding
- Non-slip surface provided by each piece of equipment.
- Fixed equipment secured to prevent walking or moving.
- Each shop or area should keep a log of employee and student accidents and injuries so that shop improvements can be determined. Corrective action as needed based on accident reports and near misses should be taken.
- School board reviews the program annually.

MERCURY – (Note that the below listed physical items are not fundable under H&S, only the management of this topic is fundable)

CERTAIN MERCURY USE IN SCHOOLS PROHIBITED.

Minn. Stat. 121A.33 state that after December 31, 2007, schools (as defined in section 120A.22, subdivision 4), excluding home schools, shall not:

- (1) purchase or use elemental mercury for any purpose; and
- (2) purchase or use an instrument of measurement that contains mercury, including, but not limited to, a thermometer, barometer, or sphygmomanometer, or a manometer containing mercury.

After December 31, 2009, a school shall not:

- (1) store elemental mercury for any purpose; and
- (2) store an instrument of measurement that contains mercury, including, but not limited to, a thermometer, barometer, sphygmomanometer, or a manometer containing mercury.

This does not apply to thermostats for heating, ventilation, and air conditioning in the school.

School: _____ Room Number: _____ Date: _____

Person Completing Report: _____ Title: _____

PART 1 – GENERAL SCIENCE SAFETY CONSIDERATIONS – LABORATORY**DESCRIPTION**

A school science laboratory is defined as a classroom where demonstrations and/or laboratory instructions are provided for individual or group experiments in which hazardous chemicals or gases are used. These areas may include chemistry classrooms, rooms used for student experiments, and prep areas.

Item/Description:	Citation	Meets	Does Not Meet	N/A
<p>1. FIRE EXTINGUISHERS.</p> <p>a. At least one 2A-20BC rated (or larger) portable fire extinguisher must be provided for each 3,000 feet of laboratory. Travel distance must not exceed 50 feet from anywhere in the lab.</p> <p>b. At least one fire extinguisher suitable for class D fires must be provided in laboratories where combustible metals are used and stored.</p>	MSFC (07) 906.1			
<p>2. EGRESS AISLES. Aisles serving work areas on two sides must be at least 36" wide; those serving work areas on one side must be 24".</p>	MSFC (07) 1027.21			
<p>3. NUMBER OF EXITS. Minimum of two means of exit access must be provided when the laboratory exceeds 500 sq. ft. in size for new labs using hazardous materials or 1,000 square feet for existing labs using hazardous materials.</p>	MSFC (07) 1015.1 & 1027.2.3.4			
<p>4. FIRE SEPARATIONS. Labs must be separated from other portions of the building by not less than a 1-hour fire separation.*</p> <p>Note: In labs located in building protected by automatic sprinkler systems – no separation is required.</p> <p>Smoke separation still requires a steel or solid wood door.</p> <p>* Recommend this be determined by a licensed design professional.</p>	MSFC (07) 705.3			
<p>5. FIRE ALARM & DETECTION. Labs must be equipped with automatic detection electrically inter-connected with the building's fire alarm system. Note: labs protected by a complete automatic sprinkler system that is interconnected to the building fire alarm require no additional detection.</p>	MSFC (07) 907.2.3 & 907.3.2			
<p>6. ELECTRICAL SAFETY. All electrical outlets must be properly grounded and all fixed electrical equipment and appliances must be plugged in to grounded outlets as required by the electrical code.</p>	MSFC (07) 605.7			
<p>7. EXTENSION CORDS. Extension cords must not be used as a substitute for permanent wiring.</p>	MSFC (07) 605.5			
<p>8. ELECTRICAL MULTI-PLUG ADAPTERS. The use of multiplug adapters, octopus arrangements, cube adapters, strip plugs or any other device that does not comply with the Fire Code is prohibited.</p>	MSFC (07) 605.4			

9. ELECTRICAL PANEL ACCESS. A working space of not less than 30" in width, 36" in depth and to a height of 72" shall be maintained in front of electrical panels.	MSFC (07) 605.3			
10. INVENTORY. A complete inventory of chemicals on hand must be maintained and must be available to the fire chief. All materials must be dated upon receipt.	MSFC (07) 2701.4.2			
11. EMERGENCY PLANNING. Persons responsible for each lab must be familiar with the chemical nature of the materials present in the lab and the appropriate mitigating actions to be taken in case of fire, leak or spill.	MSFC (07) 2703.9.1			
12. SPILL CONTROL. Neutralizing chemicals, spill kits, dry sand, oil dry, 3M Absorbent and other spill control methods must be readily available while the lab is in use.	MSFC (07) 2703.3.1.2			
13. GAS SHUT-OFF VALVE. Provide a properly marked, easily accessible master gas shut off valve in the room.	MSFC (07) 2703.2.2.1 (# 4)			
14. FUME HOODS. Fume/exhaust hoods must be listed or engineered for its intended use and maintained in proper operating condition.	MSFC (07) 2703.2			

Part 2 – GENERAL SCIENCE SAFETY RECOMMENDATIONS

1. SUPERVISION OF STUDENTS. Students must be under the direct supervision of a faculty member or an assistant at all times. In most cases it is recommended that direct supervision means direct eye contact. It is recommended that no more than two students be assigned to a lab station.	NFPA 45, (2000) 2.2.2.1
2. ELECTRICITY & SPILLS. Electrical receptacles, switches, and controls must be located so as not to be subject to liquid spills.	NFPA 45 (2000)
4. GAS PIPING SYSTEMS. Piping systems must comply with nationally recognized standards.	MSFC (03) 2703.2.2.2
5. EYE PROTECTION. Enough eye protection devices (goggles) must be provided for every student in the room, visitors, and the teacher whenever potentially hazardous activities are taking place.	MN Public Law, section 126.20
6. USE OF REFRIGERATORS. Refrigerators, freezers and other cooling equipment used to store or cool flammable liquids must be of explosion-proof construction.	NFPA 45 (2000) 9.2.2.2
7. USE OF REFRIGERATORS. Each refrigerator, freezer or cooler must be prominently labeled to indicate whether it is or is not suitable for storing flammable liquids.	NFPA 45 (2000) 9.2.2.1
8. EXPLOSIVE MATERIALS NOT ALLOWED. It is recommended that due to the serious explosion hazard present, the following chemicals NOT be used in an instructional setting: Benzoyl Peroxide Carbon Disulfide Ethyl Ether Perchloric Acid Picric Acid Potassium metal Magnesium powdered metal	Recommendation

9. PERSONAL SAFETY. Loose clothing (e.g. sleeves, full cut blouses, neckties, etc.) and long hair should be properly restrained. Also, some laboratory activities could be dangerous to persons wearing contact lenses.	Recommendation
10. HEAT SOURCES. Heat sources should never be left unattended (e.g. gas burners, hot plates, heating mantles, etc.)	Recommendation
11. DANGEROUS RISK CHEMICALS. See lists of chemical where risk exceeds the educational value or the chemicals should be used in limited quantities. (Tables 2 and 3)	Recommendation

PART 3 – CHEMICAL STORAGE FACILITIES/ROOMS

DESCRIPTION

Chemical Storage Facilities means any area or room where chemicals are stored. Usually this refers to the chemistry storage area, but these rules apply to all areas where chemicals are stored.

Item/Description:	Citation	Meets	Does Not Meet	N/A
1. FLAMMABLE/COMBUSTIBLE LIQUID QUANTITIES IN USE. Quantities of flammable and combustible liquids shall not exceed the amounts necessary for demonstration, treatment, laboratory work, maintenance purposes or operation of equipment. See limits in "Use" column of Table 1 below (adapted from MSFC Table 2703.1.1)	MSFC (07) 3404.3.4.1			
2. FLAMMABLE LIQUIDS CABINET. Quantities of flammable and combustible liquid in excess of 10 gallons must be stored in a flammable liquids cabinet. Quantities not exceeding ten gallons must be stored in an approved location.	MSFC (07) 2703.8.7			
3. FLAMMABLE/COMBUSTIBLE LIQUID QUANTITIES IN STORAGE. The maximum quantity of flammable and combustible liquids in storage and use in a lab must not exceed 120 gallons. Note: These quantities may be doubled if stored in approved storage cabinets or in sprinklered buildings. (Both increases apply)	MSFC (07) 2703.1.1			
4. HAZARDOUS MATERIALS – QUANTITIES IN STORAGE & USE. Quantities of hazardous materials being stored or used shall not exceed the amounts shown in Table 1 (adapted from MSFC Table 2703.1.1).	MSFC (07) 2703.1.1			
5. FLAMMABLE/COMBUSTIBLE LIQUID CONTAINERS. Class I and II liquids must be stored in approved storage containers.	MSFC (07) 3404.3.6.1			
6. REACTIVE MATERIALS. Materials which will react with water or other liquids to produce a hazard must not be stored in the same room with flammable or combustible liquids.	MSFC (07) 2703.9.8			
7. GAS CYLINDERS. Stored gas cylinders shall have all protective devices on (caps collars and similar devices)	MSFC (07) 3003.4.1			
8. GAS CYLINDERS. All gas cylinders must be secured in a place to prevent falling.	MSFC (07) 3003.5			
9. MSDS AVAILABLE. Material Safety Data Sheets (MSDS) must be readily available on the premises for all hazardous chemicals.	MSFC (07) 2703.4			

<p>10. APPROVED CONTAINERS. All chemicals must be stored in approved containers (if possible, chemicals should be stored in the original shipping package).</p>	<p>MSFC (07) 2703.11.3.5</p>			
<p>11. INCOMPATIBLE MATERIALS. Incompatible materials shall be segregated to prevent accidental contact with one another. (Storage of materials which are incompatible shall not be allowed in the same cabinet or exhausted enclosure).</p>	<p>MSFC (07) 2703.9.8</p>			
<p>12. SHELVING FOR STORAGE. All shelving must be of substantial construction and properly secured to prevent falling over. (Shelving above work areas should be kept free of chemicals. Storage above eye level should be avoided). Storage of hazardous materials shall be orderly.</p>	<p>MSFC (07) 2703.9.9</p>			
<p>13. DEFECTIVE CONTAINERS. Defective containers must be removed and disposed of in a proper manner</p>	<p>MSFC (07) 2703.2.6.2</p>			
<p>14. CHEMICAL RELEASE. Hazardous Materials shall not be released into a sewer, storm drain, ditch, drainage canal, lake, river or tidal waterway, or upon the ground, street, sidewalk, street or highway or into the atmosphere.</p>	<p>MSFC (07) 2703.3</p>			
<p>15. SECURITY FOR CABINETS & ROOMS. All storage cabinets and storage rooms must be locked or otherwise secured against unauthorized entry.</p>	<p>MSFC (07) 2703.9.2</p>			
<p>16. CONTAINER LABELING. All containers must be properly labeled to identify the contents.</p>	<p>MSFC (07) 3403.5</p>			
<p>17. TRANSFER OF FLAMMABLE LIQUIDS. When transferring flammable liquids between containers, the containers must be properly bonded together. The practice of purchasing large containers and dispensing into smaller ones is discouraged.</p>	<p>MSFC (07) 3405.3.2</p>			

TABLE 1 - Quantities of Materials Allowed in a Single Room or Area

MATERIAL:	CLASS:	MAX. QUANTITY - STORAGE:	MAX. QUANTITY - USE:
Combustible Liquids	II III-A III-B	120 gallons 330 gallons 13,200 gallons	30 gallons 80 gallons 3,300 gallons
Corrosives & Acids		5,000 lbs. 500 gallons 810 cu. ft.	1,000 lbs. 100 gallons
Cryogenic (flammable)	Flammable	45 gallons	10 gallons
Flammable Gas	Gaseous Liquefied	1,000 cu. ft. 30 gallons	No specific limits
Flammable Liquids	I-A I-B I-C	30 gallons 120 gallons 120 gallons	10 gallons 30 gallons 30 gallons
Organic Peroxides	I II III IV V	5 lbs or 5 cu. ft. 50 lbs or 50 cu. ft. 125 lbs or 125 cu. ft. no limits no limits	1 lb or 1 cu. ft. 10 lbs or 10 cu. ft. 25 lbs or 25 cu. ft. no limits no limits

Oxidizers	4	1 lb or 1 gallon	1/4 lb. or 1 quart
	3	10 lbs or 10 gallons	2 lbs or 2 gallons
	2	250 lbs or 250 gallons	50 lbs or 50 gallons
	1	4,000 lbs or 4,000 gallons	1,000 lbs or 1,000 gallons
Note: These quantities can be doubled if all materials are stored or kept in storage cabinets.			
Note: These quantities can also be doubled if the building is protected with a fire sprinkler system.			

Table 2 - Examples of Excessive Risk Chemicals (Risk Probably Exceeds Educational Value)

Acetic Anhydride	Explosive potential, corrosive
Acetyl Chloride	Corrosive, fire risk, reacts violently with water and alcohol
Acrylamide	Toxic by absorption, suspected carcinogen
Acrylonitrile	Flammable, poison
Adipoyl Chloride	Corrosive, absorbs through skin, lachrymator (causes eyes to tear)
Aluminum Chloride, anhydrous	Corrosive, water reactive
Ammonia, gas	Corrosive, lachrymator (causes eyes to tear)
Ammonium Bifluoride	Reacts with water, forms Hydrofluoric Acid
Ammonium Bichromate	May explode upon contact with organics, suspected carcinogen
Ammonium Chromate	Poison, oxidizer, may explode when heated
Ammonium Dichromate	Reactive, may cause fire and explosion
Ammonium Perchlorate	Explosive, highly reactive
Ammonium Sulfide	Corrosive, poison, reacts with water and acids
Aniline	Absorbs through skin, carcinogen, toxic
Aniline Hydrochloride	Poison
Antimony Oxide	Health hazard
Antimony Powder	Flammable solid, health hazard
Antimony Trichloride	Corrosive, emits Hydrogen Chloride gas if moistened
Arsenic compounds	Carcinogen, poison
Asbestos, Friable	Carcinogen, health hazard (inhalation)
Azide compounds	Extremely reactive, explosive in contact with metals, highly toxic
Barium Chromate	Poison
Benzene	Carcinogen, flammable
Benzoyl Peroxide	Flammable, organic peroxide, oxidizer
Beryllium & its compounds	Carcinogen, poison; dust is highly toxic
Bromine	Corrosive, oxidizer, volatile liquid
Cadmium compounds	Carcinogen, toxic, heavy metal
Calcium Fluoride (Fluorspar)	Toxic fumes when heated, damage to fetus or embryo
Carbon Disulfide	Flammable, toxic
Carbon Tetrachloride	Carcinogen, toxic
Chloral Hydrate	Sedative, hypnotic drug, DEA controlled substance
Chlorine – gas	Corrosive, poison
Chlorobenzene	Explosive, toxic by inhalation
Chloroform	Carcinogen, can form phosgene gas (if old)
Chorosulfonic Acid	Toxic (aka Sulfuric Chlorohydrin)
Chromic Acid	Strong oxidizer, poison
Collodion	Flammable, explosive when dry, nitrocellulose compound
Cuprous Cyanide	Toxic
Cyanogen Bromide	Poison, irritant to skin and eyes
Cyclohexene	Flammable, forms peroxides
Dichlorobenzene	Toxic
Dichloroethane	Flammable, toxic
Dinitro Phenol	Explosive, disposal by bomb squad
Dinitrophenyl Hydrazine	Severe explosion and fire risk
Dioxane	Flammable, forms peroxides
Ether, Anhydrous	Flammable, forms peroxides
Ether, Ethyl	Flammable, forms peroxides
Ether, Isopropyl	Flammable, forms peroxides

Ethylene Dichloride	Contact hazard, toxic, fire risk, explosive in air (6-16%)
Ethyl Nitrate	Explosive, disposal by bomb squad
Ethyleneimine	Flammable
Ferrous Sulfide	Spontaneously ignites if wet
Formaldehyde (Formalin)	Carcinogen, sensitizer, toxic
Gunpowder	Explosive
Hydrazine	Carcinogen, corrosive, flammable, absorbs through skin
Hydriodic Acid	Corrosive, toxic
Hydrobromic Acid	Corrosive, poison
Hydrofluoric Acid	Corrosive, poison
Hydrogen	Flammable
Hydrogen Sulfide, gas	Poison, forms Sulfuric Acid with water
Lithium Aluminum Hydride	Flammable, reacts with air, water, and organics
Lithium Metal	Water reactive
Mercaptoethanol	Corrosive, flammable
Mercury compounds	Poison, heavy metal
Mercury, liquid	Carcinogen, toxic, heavy metal
Methylene Chloride	Carcinogen, narcotic, toxic
Methyl Ethyl Ketone (MEK)	Flammable, toxic
Methyl Isocyanate	Flammable, toxic
Methyl Isopropyl Ketone	Toxic
Methyl Methacrylate	Flammable, vapors cause explosive mixture in air
Naphthylamine, a-	Carcinogen, combustible, toxic
Nickel Oxide	Carcinogen, toxic, flammable as a dust
Nitrilotriacetic Acid	Corrosive
Nitrobenzene	Highly toxic
Nitrocellulose	Explosive, flammable
Nitrogen Triiodide	Explosive, disposal by bomb squad
Nitroglycerine	Explosive, disposal by bomb squad
Osmium Tetraoxide (Osmic Acid)	Highly toxic
Pentachlorophenol	Extremely toxic
Perchloric Acid	Strong oxidizer, reactive
Phosphorus Pentasulfide	Water reactive, toxic, incompatible with air & moisture
Phosphorus Pentoxide	Oxidizer, toxic
Phosphorus, Red	Flammable solid
Phosphorus, Yellow or White	Reactive with air, poison
Picric Acid (Trinitrophenol)	Explosive when dry
Potassium Cyanide	Poison, extremely hazardous
Potassium Perchlorate	Powerful oxidizer, reactive
Potassium Sulfide	Flammable, spontaneously ignites
Potassium, metal	Reactive with water, forms peroxides
Pyridine	Flammable, toxic, vapors cause explosive mixture in air
Selenium	Toxic
Silver Oxide	Poison
Silver Cyanide	Extremely toxic
Sodium metal	Corrosive, water reactive, spontaneously ignites
Sodium Arsenate	Carcinogen, toxic
Sodium Arsenite	Carcinogen, toxic
Sodium Azide	Reacts explosively with metal, poison
Sodium Borohydride	Flammable solid, water reactive
Sodium Cyanide	Poison
Sodium Fluoride (Bifluoride)	Toxic by ingestion & inhalation, skin irritant
Sodium Fluoroacetate	Poison
Sodium Peroxide	Water reactive, fire and explosion risk
Sodium Sulfide	Fire and explosion risk
Strontium	Flammable, water reactive (store under naphtha)
Tetrahydrofuran	Flammable forms peroxides
Thioacetamide	Carcinogen, combustible, toxic
Thionyl Chloride	Corrosive

Thiourea	Carcinogen
Titanium Trichloride	Flammable
Triethylamine	Flammable, irritant, toxic
Trinitrobenzene	Explosive, disposal by bomb squad
Trinitrophenol	Explosive, disposal by bomb squad
Trinitrotoluene	Explosive, disposal by bomb squad
Uranium / Uranyl Compounds	Radioactive

Table 3 – High Risk Chemicals – Use Very Limited Amounts

Acetamide	Carcinogen
Ammonium Nitrate	Powerful oxidizer, reactive
Barium Peroxide	Fire & explosion risk with organics; oxidizer, toxic
Butyric Acid	Corrosive
Cadmium Sulfide	Carcinogen, highly toxic
Calcium Carbide	Flammable, water reactive
Chromium Trioxide	Oxidizer, poison
Ethidium Bromide	Mutagen
Hexamethylenediamine	Corrosive, absorbs through skin, lachrymator (causes eyes to tear)
Hexanediamine, 1-6	Corrosive, absorbs through skin, lachrymator (causes eyes to tear)
Hydrogen Peroxide, >29%	Corrosive to tissue, powerful oxidizer
Lead compounds	Highly toxic
Lead Nitrate	Oxidizer, toxic, heavy metal
Magnesium, powder	Flammable
Mercury Thermometers	Corrosive, toxic, heavy metal
Phenol	Poison
Potassium Chlorate	Reactive, powerful oxidizer
Potassium Chromate	Oxidizer, toxic
Potassium Dichromate	Carcinogen, powerful oxidizer
Radioactive Materials	Radioactive
Sebacoyl Chloride	Corrosive, irritant, lachrymator (causes eyes to tear)
Silver compounds	Toxic
Sodium Chlorate	Powerful Oxidizer
Sodium Chromate	Oxidizer
Sodium Dichromate	Reactive, fire & explosion risk
Sodium, metal (small chips)	Corrosive, water reactive
Strontium Nitrate	Oxidizer, may explode when heated
Thermite	Flammable solid
Toluene	Flammable, toxic
Wood's Metal	Poison
Xylene	Flammable, toxic

MINNESOTA STATE DEPARTMENT OF PUBLIC SAFETY



State Fire Marshal Division

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EDUCATIONAL (GROUP E) INFORMATION SHEET

SECTION 1 — INTRODUCTION

This fire safety information sheet is based on the 2007 Minnesota State Fire Code (MSFC) and the 2007 Minnesota State Building Code (MSBC). It contains a summary of the rules that apply to educational buildings in the state of Minnesota.

1.1 Inspection Frequency

Pursuant to MN Statute 123B.73 and Minnesota Stat. § 299F.47 the State Fire Marshal is required to inspect every public school facility at least once every three years. The School Districts are charged a fee determined by the square footage. Local units of government can conduct these inspections if they conducted school inspections between 1/1/87 and 1/1/90 and will inspect in accordance with State Fire Marshal Policies.

1.2 Definitions

Educational Group E-Educational Group E occupancy includes any building used for educational purposes through the 12th grade by six or more persons older than 2-1/2 years of age shall be classified as an E occupancy.

Child day care-The use of a building or structure, or portion thereof, for educational, supervision or personal care services for more than five children older than the age of 2 ½ years shall be classified as an E occupancy.

Adult day care-An adult day care center serving six or more ambulatory and mobile persons who are capable of taking appropriate action for self-preservation under emergency conditions as determined by licensure provisions shall be classified as an E occupancy. See part 7510.3675 for the protection requirements for facilities serving both participants who are capable and not capable of taking appropriate action for self-preservation.

For requirements relating to child day care, see the State Fire Marshal Division Fact Sheet titled, *Child Care Centers*. For requirements relating to Adult day care facilities, see the State Fire Marshal Division Fact Sheet titled, *Adult Day Care Information Sheet*.

- Alcohol & Gambling Enforcement
- Bureau of Criminal Apprehension
- Capitol Security
- Crime Victim Services
- Driver & Vehicle Services
- Emergency Management / Emergency Response Commission
- State Fire Marshal / Pipeline Safety
- State Patrol
- Traffic Safety



Educational buildings constructed before July 10, 2007 are considered existing buildings and are required to meet the minimum requirements specified in MSFC (07) for existing buildings. Compliance with previous editions of the Minnesota Uniform Fire Code (MUFC) could be considered as an acceptable alternative. Buildings constructed on or after July 10, 2007 are considered new and are required to meet the 2007 MSFC provisions for new buildings.

Educational occupancies may be required to meet other provisions that are not listed in this information sheet. This document provides an overview of the major code requirements that apply to educational occupancies and does not attempt to cover every situation. References to the applicable code sections are found in brackets, [].

More information is available from the Minnesota State Fire Marshal Division at (651) 201-7200. Email questions to firecode@state.mn.us or check our web page at www.fire.state.mn.us for the latest information on fire in Minnesota.

SECTION 2 – GENERAL FIRE SAFETY PROVISIONS

2.1 Combustible Waste Material – New and Existing

Combustible waste material creating a fire hazard shall not be allowed to accumulate in buildings [MSFC (07) Section 304.1].

Dumpsters must be outside and at least 5 feet from combustible walls or openings [MSFC (07) Section 304.3.3].

Complies Does not comply

2.2 Storage of Combustible Materials – New and Existing Occupancies

Storage shall be orderly [MSFC (07) Section 315.2]. Storage shall be maintained at least 2 feet below the ceiling in nonsprinklered areas, or at least 18 inches below sprinkler head deflectors in sprinklered areas of buildings [MSFC (07) Section 315.2.1].

The State Fire Marshal Division has a policy specific to educational occupancies regarding the placement of combustible items in boiler/furnace rooms, mechanical rooms, electrical equipment rooms and elevator equipment rooms. For additional information on this policy please review the State Fire Marshal Division Policy titled, *Storage Within Boiler and Mechanical Rooms in Non-Sprinkled Buildings*.

2.2.1 Boiler and Furnace Rooms. Combustible storage within boiler and furnace rooms with equipment having 400,000 BTU per hour input or less is allowed when such rooms or areas are protected with an approved automatic fire extinguishing system (i.e. fire sprinkler protection). Combustible storage shall be maintained at least 36 inches from fuel-fired equipment [MSFC (07) Section 315.2.3.1]. Combustible storage within boiler and furnace rooms with equipment having over 400,000 BTU per hour input is allowed when such rooms or areas are protected with an approved automatic fire extinguishing system (i.e. fire sprinkler protection). Combustible storage shall be maintained at least 10 feet from the boiler or furnace [MSFC (07) Section 315.2.3.1].

2.2.2 Mechanical Rooms. Combustible storage is allowed within mechanical rooms when such rooms or areas are equipped throughout with an approved automatic fire extinguishing system. Storage shall be neat and orderly, with 36 inch access aisles maintained to all equipment. In addition, combustible storage shall be maintained at least 36 inches from fuel-fired equipment [MSFC (07) 315.2.3.2].

2.2.3 Electrical Rooms. Combustible storage is not allowed within electrical distribution equipment rooms or elevator equipment rooms [MSFC (07) Section 315.2.3.3 & 315.2.3.4].

Complies Does not comply

2.3 Fire Apparatus Access Roads – New

For all newly constructed educational buildings, approved fire apparatus access roads shall be provided and maintained [MSFC (07) Section 503.1.1]. See the SFMD Information Sheet titled, *Fire Department Access* for more information.

Complies Does not comply

2.4 Water Supply – New

For all newly constructed educational buildings, an approved water supply capable of providing the required fire flow for fire protection shall be provided. Fire flow requirements shall be determined by an approved method [MSFC (07) Section 508]. See the SFMD Information Sheet titled, *Fire Department Water Supplies* for more information.

Complies Does not comply

2.5 Kitchen Cooking Equipment – New and Existing

Commercial cooking equipment that produces grease-laden vapors shall be equipped with a ventilation hood and duct system meeting the requirements of the Mechanical Code [MSFC (07) Section 609.1]. See Section 9 of this document for information on fire extinguishers.

Commercial cooking equipment that produces grease-laden vapors shall be equipped with an approved fire-suppression system [MSFC (07) Section 904.2.1]. If cooking does not create grease laden vapors at any time and a conspicuous sign stating “This kitchen is not equipped with a hood fire-suppression system and must not be used for any cooking that produces grease vapors”, then a hood fire-suppression system will not be required.

Complies Does not comply

2.6 Premises Identification – New and Existing

Approved numbers or addresses shall be placed on all new and existing buildings in such manner to be plainly visible and legible from the street or road fronting the property. The premises identification numbers shall contrast with their background. In rural areas, the use of fire numbers is acceptable [MSFC (07) Section 505.1].

Complies Does not comply

2.7 Storage of Combustible Materials – New and Existing

Storage shall be orderly [MSFC (07) Section 315.2]. Fueled equipment (motorcycles, lawnmowers, etc.) shall not be stored, operated or repaired within a building with the exception of rooms constructed for such use in accordance with the State Building Code [MSFC (07) Section 313.1]. Combustible materials shall not be stored within exits or exit enclosures [MSFC (07) Section 315.2.2].

Unless protected by an approved automatic sprinkler system, attic, under-floor and concealed spaces used for storage of combustible materials shall be protected on the storage side as required for one-hour fire-resistive construction. Openings shall be protected by assemblies that are self-closing and are noncombustible construction or solid wood core not less than 1.75 inches in thickness. Storage shall not be placed on exposed joists [MSFC (07) Section 315.2.4].

Complies Does not comply

2.8 Fire Safety and Evacuation Plans – New and Existing

An approved fire safety and evacuation plan shall be prepared and maintained [MSFC (07) Section 404.2].

Complies Does not comply

2.9 Fire Drills

MN Statute requires public, private and charter schools to conduct a minimum of five fire drills each school year. The 1st fire drill must be within 10 days of the beginning of school. Fire drills must be conducted at different hours of the day, under different conditions and occupants must be accounted for after evacuating the building.

Complies Does not comply

2.10 Planetariums

For information on the use of portable inflatable planetariums in educational occupancies please refer to State Fire Marshal Division Policy titled *Planetariums in Schools*.

Complies Does not comply

2.11 Portable heaters

For information on the use of portable electric space heaters in educational occupancies please refer to State Fire Marshal Division Policy titled *Portable Heaters in Educational Occupancies*.

Complies Does not comply

2.12 Staff Training

Staff shall be familiar with the fire alarm and evacuation signals, their assigned duties in the event of an alarm or emergency, evacuation routes, areas of refuge, exterior assembly areas and procedures for evacuation.

Complies Does not comply

2.13 Occupancy specific inspections

Auditoriums, cafeterias, gymnasiums and other assembly occupancies located in Group E occupancies are inspected to assembly (Group A) occupancy requirements. For more information on assembly occupancy requirements please refer to the State Fire Marshal Division Information Sheet titled *Assembly Occupancy Information Sheet*.

Complies Does not comply

2.14 Furniture flammability requirements for assembly occupancies-new & existing

Seating furniture sold after January 1, 1992 and intended for use in only in public assembly areas of schools such as the auditorium, gym, or cafeteria containing more than ten articles of seating furniture shall meet applicable flammability requirements as set out by rules adopted under section Minn. Stat. § 299F.844.

Complies Does not comply

2.15 Science lab safety checklist

According to MN Statute 121A.31 the Department of Education, in cooperation with the Minnesota State Fire Marshal Division, must develop guidelines for school lab safety. The guidelines shall include a list of safety requirements and an explanation of the minimum state and national laws, codes, and standards affecting school lab safety the Minnesota state fire marshal considers necessary for schools to implement. The district superintendent shall ensure that every school lab within the district complies with the school lab safety requirements. Lack of funding is not an excuse for noncompliance. A school science laboratory is defined as a classroom where demonstrations and/or laboratory instructions are provided for individual or group experiments in which hazardous chemicals or gases are used. These areas may include chemistry classrooms, rooms used for student experiments, and prep areas.

For more information on science lab safety, please refer to the *Science Lab Safety Checklist* available on the State Fire Marshal Division web site.

Complies Does not comply

SECTION 3 – SPECIAL EXITING PROVISIONS FOR YOUNG CHILDREN

3.1 Level of Exit Discharge - New and Existing

Rooms and areas used for educational purposes such as child day care, preschool, head-start and similar programs classified as a Group E occupancy that are located **in new or existing school buildings** shall be placed on the floor level of exit discharge [MSFC (07) Section 1001.3; MSBC (07) Section 419]. Exceptions for buildings equipped with automatic sprinkler and/or fire alarm systems are as follows:

Buildings Protected with an Automatic Fire Sprinkler and Fire Alarm System

Rooms and areas may be located on any floor level below the fourth story if the following conditions exist:

1. The building is protected throughout with an approved automatic fire sprinkler system; and
2. The building is protected throughout with an approved automatic fire alarm system having automatic smoke detection devices installed throughout the exiting system and within every room or area used for any purposes other than a classroom or office.

Buildings Protected with an Automatic Fire Sprinkler or Fire Alarm System and Exclusive Exits

Rooms or areas may be located on floor levels other than the level of exit discharge if one of the following conditions is met:

1. An approved automatic fire sprinkler system is provided throughout the building and the use of the affected room or space is limited to one grade level at a time and exiting is provided from the room or area which is independent from the exiting system used by older students or other occupancies; or
2. An approved automatic fire alarm system is provided throughout the building consisting of automatic smoke detection installed throughout the exiting system and within all rooms and areas other than classroom and office areas, and the use of the affected room or space is limited to one grade level at a time, and exiting is provided from the room or area which is independent from the exiting system used by older students or other occupancies.

Note: For the purposes of Section 3.1, pupils from the second grade down are considered one grade level.

3.2 Accessory Spaces – New and Existing

Accessory spaces, including spaces used for gymnasiums, cafeterias, media centers, auditoriums, libraries, and band and choir rooms, used on an occasional basis by **preschool, kindergarten, first and second grade students** are permitted to be located one level above or one level below the story of exit discharge if the building is protected throughout by an approved automatic sprinkler system or an approved corridor smoke detection system [MSFC (07) 1001.3; MSBC (07) 419.2.3].

3.3 Additional Information

For additional information on special exiting requirements for younger students inside educational occupancies please refer to our information sheet on *Special Exiting Provisions*.

Complies Does not comply

SECTION 4 – MEANS OF EGRESS

4.1 New and Existing Buildings

The means of egress requirements within this section pertain to both new and existing buildings.

Exception: Means of egress conforming to the requirements of the building code under which they were constructed shall be considered as complying means of egress if, in the opinion of the code official, they do not constitute a distinct hazard to life [MSFC (07) Section 1027.1.2].

4.2 Number and Type of Exits – New and Existing

Every room or area shall have access to at least one approved exit. Access to at least two exits shall be provided when the occupant load exceeds 50 for Group E Occupancies [MSFC (07) Section 1015.1]. In a building without an automatic sprinkler system these doors must be located at least ½ the diagonal of the room or area apart. When the building is equipped throughout with an approved automatic sprinkler system these doors may be located 1/3 of the diagonal apart. When the occupant load is between 501 and 1,000 in an area or room, there must be 3 exit doorways located reasonably remotely. When the occupant load is over 1,000 there must be at least 4 remotely located exit doorways.

Floor areas shall be provided with exits as required by MSFC (07) Section 1019.1.

In new construction, a science lab that contains or uses hazardous materials and is in excess of 500 sq. ft. must have 2 remote exit doors [MSFC (07) Section 1015.1]

Existing science labs inside educational occupancies where hazardous materials are used shall be provided with two exits when the space exceeds 1,000 square feet in size [MSFC (07) Section 1027.23.4].

To determine the occupant load, divide the total net square footage of the rooms or areas to be used by the occupant load factor in Table 4.2.

Table 4.2 Minimum Egress Requirements

Occupancy Type	Minimum of Two Exits Required When the Number of Occupants Exceeds	Minimum of Two Exits Required When the Square Footage Exceeds	Occupant Load Factor (square feet per person)
E	50	1000 square feet	20

Shops and vocational rooms such as woodshops, metal shops, auto shops, art rooms, family and consumer science rooms (FACS), etc. located inside educational occupancies shall be provided with at least two exits when the room or space exceeds 2,500 square feet.

Complies Does not comply

4.3 Locking Devices – New and Existing

Exit doors shall be openable from the inside without the use of a key or any special knowledge or effort. Exit doors shall not be locked, chained, bolted, barred, latched or otherwise rendered unusable. All locking devices shall be of an approved type [MSFC (07) Section 1008.1.8].

Any exit or exit access door serving an occupant load of 50 or more within Group E occupancies shall not be provided with a latch or lock unless such components are integral with approved panic hardware or fire exit hardware [MSFC (07) Section 1008.1.9]. Previous code editions did not require panic hardware until the occupant load equaled or exceeded 100. In existing

educational occupancies, panic hardware will not be required unless the occupant load equals or exceeds 100 unless there are other exiting issues as determined by the code official.

Complies Does not comply

4.4 Exit Doors – New and Existing

Doors within the means of egress shall be side-hinged swinging. Doors shall swing in the direction of egress travel where serving an occupant load of 50 or more persons [MSFC (07) Section 1008.1.2].

Complies Does not comply

4.5 Exit Width – New and Existing

The means of egress width shall not be less than required by the MSFC as determined by the occupant load served [MSFC (07) Section 1005.1]. The minimum width of each door opening shall be sufficient for the occupant served as determined by MSFC (07) Section 1008.1.1 or shall provide a clear width of not less than 32 inches in new construction, 28” in existing construction, whichever is greater [MSFC (07) Section 1008.1.1; 1027.7.1].

Corridor width shall be as determined in MSFC (07) Section 1005.1, but shall not be less than 72” when serving an occupant load of 100 or more, not less than 44 inches when serving an occupant load of 50 to 99 and not less than 36 inches when serving an occupant load of 50 or less [MSFC (07) Section 1017.2].

Complies Does not comply

4.6 Dead End Corridors – New and Existing

Where more than one exit or exit access doorway is required, the exit access shall be arranged such that dead end corridors do not exceed 20 feet in length in new construction and for existing construction the dead-end corridor can be 2.5 times the width of the corridor. Fully sprinklered Group E Occupancies constructed prior to 1975 are allowed to have dead end corridors up to 35 feet in length [MSFC (07) Section 1017.3, new; MSFC (07) Section 1027.17.4, existing].

Complies Does not comply

4.7 Common Path of Egress Travel – New and Existing

The maximum travel distance from any point within a building to a point where two separate and distinct paths of egress travel are available shall not exceed 75 feet [MSFC (07) Section 1014.3].

Complies Does not comply

4.8 Exit Access Travel Distance – New and Existing

Exits shall be located so that the maximum length of exit access travel, measured from any point within a building to an exit or the entrance of an exit component along the natural and unobstructed path of egress travel, shall not exceed the following distances [MSFC (07) Section 1016.1].

Table 4.8 Exit Access Travel Distance

Occupancy Classification	Without Sprinkler System	With Sprinkler System
E	200 FT	250 FT

Complies Does not comply

4.9 Egress through Intervening Spaces – New and Existing

Egress from a room or space shall not pass through adjoining or intervening rooms or areas, except where such rooms or areas are accessory to the area served; are not a high-hazard occupancy; and provide a discernible path of egress travel to an exit. Egress shall not pass through kitchens, store rooms, closets or spaces used for similar purposes. An exit access shall not pass through a room which can be locked to prevent egress [MSFC (07) Section 1014.2].

When the only exit from a room having a total occupant load of 10 or more is exclusively through an intervening room, the intervening room must have a smoke detection system interconnected to the fire alarm or the intervening room must be protected with a complete automatic sprinkler system. When the building is equipped throughout with an approved automatic sprinkler system, this smoke detection system is not required.

Complies Does not comply

4.10 Means of Egress Illumination – New and Existing

The means of egress in all new and existing buildings shall be illuminated at all times while the building is occupied [MSFC (07) Section 1006.1]. In the event of primary power loss, an approved back-up power source shall be provided for those areas requiring two or more means of egress [MSFC (07) Section 1006.3, new construction; MSFC (07) Section 1027.5, existing].

Complies Does not comply

4.11 Means of Egress Identification – New and Existing

Exit and exit access doors shall be marked by approved exit signs readily visible from any direction of egress travel for both new and existing buildings in rooms or areas requiring more than one exit or exit access. Access to exits shall be marked by readily visible exit signs in cases where the exit or path of egress travel is not immediately visible to occupants. Exit sign placement shall be such that no point in an exit access corridor is more than 100 feet from the nearest visible exit sign [MSFC (07) Section 1011.1, new and existing]. Exit signs shall be internally or externally illuminated at all times. In the event of primary power loss, an approved back-up power source shall be provided [MSFC (07) Section 1011.5.3, new; MSFC Section 1027.4, existing].

Complies Does not comply

4.12 Means of Egress Obstructions – New and Existing

Obstructions shall not be placed in the required width of a means of egress. The required capacity of a means of egress system shall not be diminished along the path of egress [MSFC (07) Section 1003.6].

Complies Does not comply

4.13 Use of magnetic locks on exit doors

For information on the use of magnetic locking hardware in educational occupancies, please refer to the State Fire Marshal Division Policy titled *Magnetic Locks in Schools*.

Complies Does not comply

4.14 Time-out rooms

Rooms or areas in educational occupancies are permitted to have special locking arrangements where the occupants are being restrained for safety or security reasons. All of the following sections shall apply. MN Statute 121A.67 contains some additional regulations for time-out rooms in schools.

4.14.1 Locking hardware

The locking devices shall release upon activation of any of the following conditions:

- (1) Activation of the automatic sprinkler system;
- (2) Activation of the any automatic fire detection device;
- (3) Automatic fire alarm system;
- (4) Loss of electrical power to the locking device or the fire alarm system, or
- (5) Activation of the fire alarm trouble signal.

All locking devices shall be designed to fail in the open position. Following the release of the locking devices for any of the conditions specified above, relocking of the devices shall be by manual means at the door.

4.14.2. Fire extinguishing system

When this type of locking arrangement is used, the room or area being secured must be protected with quick response sprinklers.

4.14.3. Fire alarm and detection

When special locking arrangements are used, the room or area and spaces between the room or area and an outside exit door shall be protected with automatic smoke detection connected to the building's fire alarm system. If the walls of the room or area do not extend to the ceiling, automatic smoke detection can be provided in the adjacent room or area, provided that there are no substantial obstructions to delay activation of the smoke detection.

4.14.4 Construction.

Rooms or areas containing these special locking arrangements shall be constructed of noncombustible materials having a minimum of one-hour fire-resistive construction. Doors separating the room from other spaces must swing with egress travel from the room and have a fire-protection rating of not less than 20 minutes. Doors need not be self-closing. The interior finish of the wall and ceiling surfaces must not exceed a Class III (or Class C) flame spread rating.

4.14.5 Testing of devices. Special locking arrangements shall be tested monthly to ensure that they will release under the conditions set forth above. Locking arrangements that are found not to comply with the requirements listed above shall not be used. Routine fire drills as required in Section 2.8 above can be considered an acceptable testing procedure.

Complies Does not comply

4.15 Storage under stairs

Unless protected by an approved automatic sprinkler system, storage rooms located under exit stairways shall be protected on the storage side as required for 1-hour fire resistive construction. Openings into these areas shall be protected with self closing doors that are noncombustible or solid-core wood not less than 1.75 inches thick.

Complies Does not comply

4.16 Guardrails – New

Unguarded floor openings, open and glazed sides of stairways, landings and ramps and balconies or porches that are more than 30 inches above grade or the floor below shall be protected by guardrails in accordance with the MSFC [MSFC (07) Section 1013.1]. The guards shall have balusters or ornamental patterns such that a 4-inch diameter sphere cannot pass through any opening up to a height of 34 inches. From 34-42 inches above the adjacent walking surfaces, a sphere 8-inch in diameter shall not pass [MSFC (07) Section 1013.3].

Guardrails – Existing

Guards shall be provided at the open sides of means of egress that are more than 30 inches above the floor or grade below. The guards shall form a protective barrier not less than 42 inches high. Existing guards on the open side of stairs shall be not less than 30 inches high; open guards shall have balusters or ornamental patterns such that a 6-inch diameter sphere cannot pass through any opening up to a height of 34 inches. Existing open guards may be acceptable if approved by the code official [MSFC (07) Section 1027.6].

Complies Does not comply

4.17 Handrails – New

Stairways shall have handrails on each side. Aisle stairs provided with a center handrail need not be provided with additional handrails. The height should be measured above stair tread nosings, or finish surface of ramp slope, shall be uniform, not less than 34 inches and not more than 38 inches. Handrails with circular cross sections shall have an outside diameter of at least 1 ¼ inches and not greater than 2 inches or shall provide equivalent graspability. If the handrail is not circular, it shall have a perimeter dimension of at least 4 inches and not greater than 6 ¼ inches with a maximum cross section dimension of 2.25 inches. The gripping surface of the handrail shall be continuous, without interruption by newel posts or other obstructions [MSFC (07) Section 1012].

Handrails – Existing

Stairway handrails in existing buildings shall have handrails on at least one side. They shall be located so that all portions of the stairway width required for egress capacity are within 44 inches of a handrail [MSFC (03) Section 1027.13].

Complies Does not comply

4.18 Stairways – New

The width of stairways shall not be less than 44 inches. Stairways shall have a minimum headroom clearance of 80 inches measured vertically from a line connecting the edge of the nosings. Stair riser heights shall be 7 inches maximum and 4 inches minimum. Stair tread

depths shall be 11 inches minimum. The riser height shall be measured vertically between the leading edges of adjacent treads. The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at right angle to the tread's leading edge. All stairways shall be built of materials consistent with the types permitted for the type of construction of the building [MSFC (07) Section 1009].

Stairways – Existing

Existing stairs in buildings shall be permitted to remain if the rise does not exceed 8 ¼ inches and the run is not less than 9 inches. Existing stairs can be rebuilt. Existing stairs may be acceptable if approved by the code official [MSFC (07) Section 1027.10].

Complies Does not comply

4.19 Stairway Identification – New and Existing

Stairway identification signs are required in all enclosed stairways in buildings four or more stories in height [MSFC (07) Section 1020.1.6].

Complies Does not comply

SECTION 5 – FIRE RESISTIVE CONSTRUCTION

5.1 Occupancy Separation – New

Educational occupancies shall be separated from other occupancies with fire-resistive occupancy separations in accordance with the Minnesota State Building Code [MSFC (07) Section 701.1].

Exception:

- (1) *Except for Group H and I-2 areas, where the building is equipped throughout with an approved automatic sprinkler system, the fire-resistance ratings shall be reduced by one-hour but to not less than one-hour and to not less than that required for floor construction according to the type of construction.*
- (2) *Assembly uses accessory to educational occupancies are not considered separate occupancies, therefore, no separation is required.*

TABLE 5.1 REQUIRED FIRE-RESISTIVE OCCUPANCY SEPARATIONS

Group E Occupancy	U	A, B, F-2, H-4, I, M, R, S-2	F-1, H-3, H-5, S-1	H-2	H-1
Separation	1 HR	2 HR	3 HR	4 HR	Not Permitted

5.1.1 Occupancy Separation – Existing

Existing Group E occupancies shall be separated from Group I and Group R occupancies in accordance with the State Building Code. See Table 5.1 of this document for details [MSFC (07) Section 705]. In addition, because Group H (Hazardous) occupancies are classified as such due to the presents of sufficient quantities of hazardous materials, existing Group E occupancies shall also be separated from all Group H occupancies in accordance with the State Building Code [MSFC (07) Section 102.2].

Previous editions of the MUFC required occupancy separations between child care centers and most other occupancy types. Therefore, most existing child care centers that are lacking proper occupancy separations as prescribed by previous MUFC editions shall be provided with separations in accordance with the MSBC [MSFC (07) Section 102.1].

Complies Does not comply

5.2 Accessory Use Areas – New and Existing

Accessory use occupancies are those occupancies subsidiary to the main occupancy of the building or portion thereof. For example, administrative offices within a school building would be considered an accessory use area. Except where required for incidental use areas, fire-resistive construction shall not be required for accessory use areas not occupying more than 10 percent of the area of any floor of a building [MSFC (07) Section 701.1].

Complies Does not comply

5.3 Incidental Use Areas – New and Existing

New educational occupancies shall have their incidental use areas separated from the rest of the building by fire-resistive construction in accordance with the State Building Code [MSFC (07) Section 701.1].

Examples of incidental use areas include furnace rooms (over 400,000 Btu input); boiler rooms (over 15 psi and 10 hp); parking garages; laboratories and shops; waste, linen, laundry or storage rooms over 100 square feet.

In existing educational occupancies, shops; laboratories containing hazardous materials; storage rooms over 100 square feet; and rooms containing boilers or central heating plants (over 400,000 Btu input) shall be separated from the rest of the building by one-hour fire resistive construction [MSFC (07) Section 705.3].

Complies Does not comply

5.4 Corridor Construction – New

All corridors serving an occupant load greater than 30 classified as Group E shall be of one-hour fire-resistive construction. All openings within one-hour fire-resistive corridors shall be protected with listed 20-minute fire-rated assemblies. Fire doors shall be self-closing [MSFC (07) Section 1017.1]

Exceptions:

- 1. Where the building is equipped throughout with an approved automatic sprinkler system.*
- 2. Group E occupancies where each room used for child care has at least one door directly to the exterior at ground level and rooms for assembly purposes have at least one-half of the required means of egress doors opening directly to the exterior at ground level.*

5.4.1 Corridor Construction – Existing

All corridors serving an occupant load greater than 30 within child care centers classified as Group E shall be of one-hour fire-resistive construction. Door openings within one-hour fire-resistive construction shall be protected by a 20-minute fire-rated assembly, an insulated steel

door, or solid core wood door not less than 1-3/4 inches thick. Fire doors shall self-closing [MSFC (07) Section 1027.17.1].

Exceptions:

1. *Group E occupancies where the building is equipped throughout with an approved automatic sprinkler system.*
2. *Group E occupancies where the building is protected with an approved automatic fire alarm system which is monitored by an approved central station service. The fire alarm system shall include automatic smoke detection throughout the exiting system and approved detection in all rooms and areas other than classrooms and offices.*

Complies Does not comply

5.5 Vertical Opening & Shaft Construction – New

Vertical openings and shafts within new educational occupancies shall be constructed in accordance with the State Building Code, Section 707 [MSFC (07) Section 701.1]. Generally, all openings through a floor/ceiling assembly shall be protected with a fire-resistance rated construction. Vertical openings and shafts shall have a fire-resistance rating of not less than 2 hours where connecting four stories or more and 1 hour where connecting less than four stories. Shaft enclosures shall have a fire-resistance rating not less than the floor assembly penetrated, but need not exceed 2 hours.

5.5.1 Vertical Opening & Shaft Construction – Existing

Vertical openings and shafts within existing educational occupancies shall be protected with fire-resistance rated construction in accordance with table 5.5.1 [MSFC (07) Section 704.1].

Table 5.5.1 Required Protection for Vertical Openings and Shafts

Occupancy Classification	Conditions	Protection Required
Group E	vertical openings connecting 2 stories	no protection required
Group E	vertical openings connecting 3 to 5 stories	1-hour protection or automatic sprinklers throughout
Group E	vertical openings connecting more than 5 stories	1-hour protection

Complies Does not comply

5.6 Maintenance of Fire-Resistive Construction – New and Existing

All required fire-resistive construction and assemblies, including occupancy separations, area separation walls, exterior walls due to location on property, draft-stop partitions, separations of special hazards and hazardous areas, vertical opening protection and smoke barriers shall be provided and maintained as specified within the Minnesota State Building Code and the Minnesota State Fire Code and shall be properly repaired, restored or replaced when necessary [MSFC (07) Section 703.1 & 703.2].

Complies Does not comply

SECTION 6 – INTERIOR FINISH AND DECORATION

6.1 Interior Finish – New & Existing

In general, interior finish within new and existing Group E occupancies shall meet the following flame spread requirements [MSFC (07) Section 801.1.1, new; MSFC (07) Section 803, existing].

Group E educational occupancies

Sprinklered Buildings

Rooms and Enclosed Spaces.....Class C

Exit Access Corridors and Exitways.....Class C

Vertical Exits and Exit Passageways.....Class B

Unsprinklered Buildings

Rooms and Enclosed Spaces.....Class C

Exit Access Corridors and Exitways.....Class B

Vertical Exits and Exit Passageways.....Class A

Exception: In vertical exits of buildings less than three stories in height, Class B interior finish for unsprinklered buildings and Class C for sprinklered buildings shall be permitted.

Complies Does not comply

6.2 Interior Decorative Materials – New and Existing

Artwork and teaching materials shall be limited on walls and corridors to not more than 20 percent of the wall area for Group E occupancies[MSFC (07) Section 807.4.3.2, 807.4.4.2].

Complies Does not comply

6.3 Storage in Corridors and Lobbies – New and Existing

Clothing and personal effects shall not be stored in corridors and lobbies of Group E occupancies [MSFC (07) Section 807.4.3.1 & 807.4.4.1].

Exceptions:

- 1. Corridors protected by an approved automatic sprinkler system.*
- 2. Storage in metal lockers provided the minimum required egress width is maintained.*

Complies Does not comply

6.4 Stage curtains, decorations and other hangings

Stage curtains, decorations and other hangings located in assembly occupancies (theaters, gymnasiums, cafeterias, etc.) that exceed 20% of the wall surface must meet the flame propagation requirements of NFPA 701 (1999 Edition) or shall be noncombustible [MSFC (07) Section 807.1].

These items must be retreated after 20 years or five dry cleanings, which ever comes first

Complies Does not comply

SECTION 7 – FIRE ALARM SYSTEMS

7.1 Required Fire Alarm Systems

7.1.1 Group E educational occupancies – New and existing

Group E educational occupancies having an occupant load of 50 or more shall be provided with an approved fire alarm system [MSFC (07) Section 907.2.3, new; MSFC (07) Section 907.3.2, existing].

Initiation. Initiation of the system shall be by manual and automatic means. Approved automatic fire detectors shall be provided in laundry rooms, boiler and furnace rooms, mechanical and electrical rooms, shops, laboratories, kitchens, locker rooms, janitor closets, trash-collection rooms, storage rooms, lounges and similar areas.

Exceptions:

- 1. Buildings protected throughout by an approved automatic sprinkler system, manual fire alarm boxes are only required in the main office and in a custodial area.*
- 2. Where the exiting systems are protected by approved automatic smoke detection with alarm verification, manual fire alarm boxes are only required near exits serving shops, chemistry and physics laboratories, boiler rooms, industrial technology and industrial arts rooms, kitchens, custodian's office, and the main office.*

System fire and smoke detectors are not required when an approved automatic fire extinguishing system is installed throughout the building.

Travel through adjoining rooms. Where the only means of egress travel from an interior room or rooms having an aggregate occupant load of more than 10 occupants is through an adjoining or intervening room, automatic smoke detectors shall be installed throughout the common atmosphere through which the path of egress travel passes.

Notification. Activation of the fire alarm system or automatic sprinkler systems shall initiate a general evacuation signal.

Complies Does not comply

7.2 Smoke detector installation

One of the following requirements shall apply to smoke detector installation:

- (1) The distance between detectors shall not exceed their listed spacing, and there shall be detectors within a distance of one-half the listed spacing, measured at right angles from all walls or partitions extending upward to within the top 15 percent of the ceiling height.
- (2) All points on the ceiling shall have a detector within a distance equal to 0.7 times the listed spacing. For irregularly shaped areas, the spacing between detectors shall be permitted to be greater than the listed spacing, provided the maximum spacing from a detector to the farthest point of a sidewall or corner within its zone of protection is not greater than 0.7 times the listed spacing.

Complies Does not comply

7.3 Elevator smoke detection-New buildings only

Smoke detectors connected to elevator equipment shall not activate a general evacuation signal (supervisory signal only). Other detectors or waterflow devices throughout the building shall not initiate the elevator recall function.

Complies Does not comply

SECTION 8 – FIRE SPRINKLER AND STANDPIPE SYSTEMS

8.1 Required Fire Sprinkler Systems – New

An automatic sprinkler system shall be provided **throughout all Group E fire areas** greater than 20,000 square feet in area. An automatic sprinkler system shall also be provided for every Group E area below the level of exit discharge unless each classroom or care area has at least one exterior exit door at ground level [MSFC (07) Section 903.2.2].

Complies Does not comply

8.2 Special Fire Sprinkler Requirements – New

Fire sprinkler protection may also be required for stories and basements in excess of 1500 square feet not provided with adequate openings to the exterior [MSFC (07) Section 903.2.10.1].

8.2.1 Special Fire Sprinkler Requirements – Existing

A fire sprinkler system shall be provided in basements containing Group E occupancies when such areas exceed 2500 square feet in size and do not have 20 square feet of opening entirely above the adjoining ground level in each 50 lineal feet or fraction thereof of exterior wall on at least one side of the building. Required openings shall have a minimum dimension of 30 inches. If any portion of the basement is located more than 75 feet from required openings, the basement shall be provided with an approved automatic sprinkler system throughout [MSFC (07) Section 903.6.2].

Complies Does not comply

8.3 Standpipe Systems – New

See MSFC (07) Section 905 for complete information regarding standpipe systems.

Building Height

In general, a class III standpipe system shall be installed throughout buildings where the floor level of the highest story is located more than 30 feet above the lowest level of fire department vehicle access, or where the floor level of the lowest story is located more than 30 feet below the highest level of fire department vehicle access [MSFC (07) Section 905.3.1].

Places of assembly exceeding an occupant load of 1,000 in nonsprinklered buildings are required to have a wet pipe Class 1 standpipe. [MSFC (07) Section 905.3.2].

Complies Does not comply

8.3.1 Standpipe Systems – Existing

Standpipe systems complying with MSFC (07) Section 905 are required in existing buildings which have occupied floors located more than 50 feet above the lowest level of fire department access. The standpipes shall have an approved fire-department connection with hose connections at each floor level above or below the lowest level of fire department access [MSFC (07) Section 905.11].

Complies Does not comply

SECTION 9 – FIRE EXTINGUISHERS

9.1 Fire Extinguisher Type and Location – New and Existing

At least one portable fire extinguisher having a minimum rating of 2A-10BC shall be available within 75 feet of all occupied areas. Travel to another floor level to obtain the extinguisher is not acceptable. Extinguishers shall be mounted and located in conspicuous locations where they will be readily accessible and immediately available for use [MSFC (07) Section 906.1].

In kitchens containing commercial cooking equipment that produces grease-laden vapors, a minimum rated 40B fire extinguisher shall be provided within 30 feet of travel distance. Cooking equipment involving vegetable or animal oils and fats shall be protected by a Class K rated portable fire extinguisher [MSFC (07) Section 904.11.5]. A placard shall be conspicuously placed near the Class K extinguisher that states that the fire protection system shall be activated prior to using the fire extinguisher.

For additional information on Class K fire extinguishers please refer to the State Fire Marshal Division Information Sheet titled *Class K Fire Extinguishers*.

All maintenance, servicing and recharging of fire extinguishers shall be performed by trained personnel annually [MSFC (07) Section 906.2].

Exception: In all Group E occupancies equipped throughout with an approved automatic sprinkler system installed in accordance with the Minnesota State Fire Code, fire extinguishers shall be required only in laundry rooms, boiler and furnace rooms, mechanical and electrical rooms, garages, stages, projection booths, shops, laboratories, kitchens, locker rooms, janitors' closets, trash-collection rooms, storage rooms and similar areas.

Complies Does not comply

SECTION 10 – BUILDING SERVICES AND SYSTEMS

10.1 Heating Appliances – New and Existing

Furnaces, boilers, water heaters and other heating appliances shall be listed by a nationally recognized testing agency [MSFC (07) Section 603.5].

All heating appliances installed in garages shall be at least 18” above the floor.

Unlisted appliances may be installed where permitted by the code official, provided clearances from combustibles are maintained in accordance with the Mechanical Code.

Heating appliances shall be installed in accordance with the manufacturer’s instructions and the State Building, Mechanical and Electrical Codes [MSFC (07) Section 603.5.2].

Portable unvented fuel-fired heating equipment are prohibited within educational occupancies [MSFC (07) Section 603.4].

Complies Does not comply

10.2 Electrical Services – New and Existing

Identified electrical hazards shall be corrected in accordance with the MSFC (07) Section 605 and the State Electrical Code [MSFC (07) 605.1].

Multiplug adapters, such as cube adapters, unfused plug strips or any other device not complying with the State Electrical Code shall be prohibited [MSFC (07) Section 605.4].

Relocatable power taps shall be of the polarized or grounded type, equipped with overcurrent protection, and shall be listed [MSFC (07) Section 605.4.1].

Extension cords shall not be used as a substitute for permanent wiring. Extension cords shall be used only with portable appliances [MSFC (07) Section 605.5].

Electrical appliances and fixtures shall be tested and listed by an approved agency and installed in accordance the manufacture’s instructions [MSFC (07) Section 605.7].

Emergency and standby power systems shall be provided for fire alarm systems, smoke control systems, exit signs, means of egress illumination, accessible means of egress, elevators, horizontal sliding doors, high-rise buildings and others [MSFC (07) Section 604].

Complies Does not comply

10.3 Gas Meters and Piping – New and Existing

Above-ground gas meters, regulators and piping subject to damage shall be protected by a barrier complying with MSFC (07) Section 312 or otherwise protected in an approved manner [MSFC (07) 603.9].

Complies Does not comply

Part A (HVAC) -- The purpose of this form is to provide MDE with sufficient information for a Mechanical Ventilation Health and Safety project to be approved with at least a "PPA" (Provisional Project Approval) designator, if not a "YES." A "PPA" will maintain levy authority for the district until November 7, 2008. If the remainder of information has not been received by this date, approval will revert to "NMI" (Needs More Information) and levy authority will be rescinded. Please complete all requested information. **Forms to be completed by an architect or engineer (PE) only.**

Project description	What is the reason for the work (shortcomings of any existing system)? What is the work? Upgrade or replace?
Project workspace	What major functions (capabilities) will the new system incorporate? (Airflow, humidity control, DDC, filtration) Which are funded under non-H&S funding source? Will there be co-function or integration (e.g. energy savings or performance contracts)? INCLUDE THE IAQ EXCLUSION STATEMENT FOUND IN ATTACHMENT 8 OF THIS LETTER.
Rooms/ areas affected by the work	Description of functions (e.g. classroom, labs, shops, commons area, administrative area). Any special needs? (e.g. special ed, disabled, high loading, building or community concerns)
Existing system description	Current capacity in CFM/person for each area. Other capacity (e.g. air conditioning, humidity, high filtration, swimming pools, co-location with community/other functions).
Design criteria	Outcomes. To include airflow rate, humidification, dehumidification, air filtration, outdoor temperature range, indoor temperature and humidity ranges.
Building 81/2 X11 diagram	Shows function and per-room capacity of areas affected by the work.
Cost	Total cost, cost per year, whether bond or levy (more info needed if bonding)

Part B (HVAC) - The purpose of this second form is to provide the remainder of information needed for project approval, or for conversion of approval from "PPA" to "YES." The information requested should reach MDE in time for approval by October 31, 2008. Information received after this date risks conversion to "NMI" status. Note: Neither Part A (above) or Part B (below) requires that an actual engineering design have occurred. Forms provide MDE with sufficient information without requiring that the engineering design be accomplished to justify the funding of the project under H&S, **to be completed by architect or engineer (PE).**

Document current capacity	Provide "proof" of current system capacity (e.g. measurement, detailed calculation, sampling)
System component information	Major components, which are affected by the work. Indicate which are upgrade, replacement or if the entire system is to be replaced.
Line diagram	8 1/2 X 11 floor plan showing boxes and lines where major functions are to be located and air flow pathways.
Part A revised	Corrected, updated copy of Part A (HVAC).

Part A (Mold) - The purpose of this form is to provide MDE with sufficient information for a Mold Abatement Health and Safety project to be approved with at least a "PPA" designator (Provisional Project Approval) if not a "YES." A "PPA" approval will maintain levy authority for the district until November 7, 2008. If the remainder of information has not been received by this date, approval will revert to "NMI" (Needs More Information) and levy authority will be rescinded. Please complete all requested information. **Forms to be completed by architect, engineer (PE) or CIH only.**

Project description	What is the reason for the work? What is the work? How is it affecting students/employees (present and potential future)?
Water or moisture source	From where is the water or moisture coming from? (e.g. elevated and uncontrollable humidity, sealed area, walls, windows, pipe burst)
Building materials impacted	E.g. walls, roof, windows, flooring, drop ceiling? Regardless of whether funded or not funded by H&S.
Scope of work to abate the hazard	What methods and procedures will be employed? What safeguards will be invoked?
Rooms/ areas affected by the work	Description of functions (e.g. classroom, labs, shops, commons area, administrative area). Any special needs? (e.g. special ed, disabled, high loading, building or community concerns). Include an 8 1/2 by 11 floor plan drawing showing extent of water damage. Indicate type of damaged materials (e.g. walls, flooring, ceiling).
Water or moisture abatement plan	Is there a plan to fix the water or moisture problem? How do you plan to fix the water or moisture problem? What is your source of funding and time schedule?
Cost to fix	Total cost of H&S and non-H&S. Include funding sources planned (e.g. H&S, Operating capital, referendum).

Part B (Mold) - The purpose of this second form is to provide the remainder of information needed for project approval, or for conversion of approval form "PPA" to "YES." The information requested should reach MDE in time for approval by October 31, 2008. Information received after this date risks conversion to "NMI" status. Note: Neither Part A (above) or Part B (below) requires that an actual engineering design have occurred. The purpose of these forms is to provide MDE with sufficient information without requiring that the engineering design be accomplished to justify the funding of the project under H&S. **Forms to be completed by architect, engineer (PE) or CIH only.**

Building floor plan	Floor plan indicating damaged areas and digital photo prints linked to the diagram.
Details of moisture problem	Quantification of moisture problem. Forensic evaluation.
Test data	If available and if inaccessible areas are indicated as needing abatement. Showing species and CFU or other growth density information.
Recommendations	More than one if indicated by professional analysis. Chief recommendation if multiple recommendations are indicated. Why (the basis) for one solution over others.
Part A revised	Corrected, updated copy of Part A (Mold).

Five Year Plan Information Submittal -- The below form is required to be submitted to MDE for each Health and Safety project that exceeds \$500,000 in cost that the district plans to fund under M.S. 123B.57 and M.S. 123B.59. One form is required for each project. Activity extending out to five years must be shown. To be attested to (validated) by the school board.

Name or identifying information of project	
Building	
Project description	
Fiscal years of project	
Project cost per year	
Project requires review and comment	District review M.S. 123B.71. Contact Mr. John Bulger (651-582-8781 or john.bulger@state.mn.us)
Status of engineering study	
Bond, levy or both?	
If bonding, number, dates and amounts of each issue	
Names of professionals	

Steps to Follow for Health and Safety (H&S) Projects Exceeding \$500,000 Total Cost

The 2003 Legislature modified M.S. 123B.57 (H&S statute) and M.S. 123B.59 (Alternative Facilities statute), requiring that all projects (and related projects) with an aggregate cost of \$500,000 or greater be processed differently than H&S projects of lesser cost. These projects must also be subject to the Review and Comment process. The following are the steps necessary to gain approval for these projects.

1. **Load the project(s)** – Project must be loaded onto the H&S website. Related projects must be determined and also loaded. Projects are related if the work is similar in kind or if the reason for doing one is linked to another, are approvable under criteria found in M.S. 123B.57, and are for the same building. They may be for separate years.
2. **Provide engineering study** – An engineering study per certain categories of allowable expense noted in Attachment 3 must be conducted by an architect or engineer (or CIH for mold) and reviewed by MDE, before July 25, 2008 in order to be included on 2008 Pay 2009 levy. Lacking this, the agency may grant a provisional project approval (PPL for levy, or PPB for bond) to the project, pending review and approval of the final engineering study report, no later than November 7, 2008. The formats for the necessary reports and for mechanical ventilation and mold abatement projects are provided in Attachment 7. PPLs or PPBs may be granted if Attachment 7A only is received by July 25, 2008 and the agency believes the remaining documentation is forthcoming.
3. **IAQ Exclusion Checklist** – The district shall complete and return the IAQ Exclusion Checklist, found on pages 62 and 63.
4. **Provide five year plan** – A five year plan adopted by the school board, consisting of all H&S projects that are proposed over FY2009---FY2013 period that exceed \$500,000 aggregate cost (per project or related projects, per site), are due at MDE before July 25, 2008. The following information must be provided for each project at a minimum: (1) project description, (2) fiscal year(s) of project, (3) project cost per year, (4) building, (5) status of engineering study, (6) whether bond, levy or both, and (7) if bonding: number, dates, amounts of each issue and bond schedule. Information must be received and reviewed by the MDE before July 25, 2008. See format in Attachment 7.
5. **Publication of intended projects / proof of notification** – M.S. 123B.59, subdivisions 3 and 3a, describe this requirement.

For projects funded by bonding, the district must publish “at least 20 days before the earliest of solicitation of bids, the issuance of bonds, or final certification of levies..., the district must publish notice of the intended projects, the amount of the bond issue, the total amount of district indebtedness, and the commissioner’s review and comment, if applicable.”

For projects funded with annual levy, the district must publish “at least 20 days before the final district certification of levies..., the district must publish notice of the intended projects, the amount of the bond issue, the total amount of district indebtedness, and the commissioner’s review and comment, if applicable.”

MDE does not require proof of either notification prior to either project or funding approval, but requests a copy of this notification be provided subsequent to its publication. MDE may withdraw the funding approval if a district fails to publish notice of the intended projects under this section. Where not prohibited by either section, the notifications may be combined.

6. **Approvals (OKL, OKB, PPA, NMI, No)** – An engineering study (Attachment 7), five year plan (Attachment 7) and proof of notification, per M.S. 123B.59 shall all be received before an approval is granted (either “OKL” for levy or “OKB” for bonding, as determined by the district, which means the same

as a “Yes”). A “PPL” or “PPB” approval designator can be assigned if the district plans to provide all required documentation no later than November 7, 2008. This will cause the projects to appear on the levy certified on September 30th. Failure to provide the information in a suitable format will result in a reversal of this levy certification by November 30th, and for projects to receive a “NMI” approval. It is important for districts to confirm that any submissions after September 26th intended to maintain levy certification beyond November 30th have accomplished this action. The November rescinded approval may yet be re-instated by the district, until levy certification in December.

7. Review and Comment Per M.S. 123B.71 – Following project review under M.S. 123B.57 and 123B.59, projects that exceed \$500,000 may require a Review and Comment per M.S. 123B.71 subsequent to approval under M.S. 123B.59. The district should set aside 60 days from receipt of the Review and Comment submission at the MDE for the commissioner review process. Note that 2005 Laws provides for Review and Comment exemption. MDE letter July 18, 2005 refers. Contact MDE’s Finance Specialist John Bulger at 651-582-8781 or John.Bulger@state.mn.us for more information and to determine if a Review and Comment is needed.

8. Letter from commissioner – Following both project approval and Review and Comment, the district will receive a letter of approval from MDE authorizing the district to proceed with both the project and funding. Every requirement under M.S. 123B.57, M.S. 123B.59 and M.S. 123B.71 must be met except the requirement for notification before the Commissioner’s letter will be generated and the district can proceed with the project and its funding. Again, MDE may withdraw the funding approval if a district fails to publish notice of the intended projects under this section.

9. Fiscal year closeout – FY 2008 Alternative Facilities Bonding and Levy project costs will appear in closeout documents processed by the MDE and districts during November and December of 2008. Districts are reminded that postings to UFARS for these costs should have a Program Code designator of 855 rather than 850, and that the original range of Finance Codes (347, 349, etc.) should be retained.

ISD# _____ Project number(s) _____

TO: Districts interested in obtaining funding for Mechanical Ventilation projects under either Health and Safety or Alternative Facilities Bonding and Levy

A review of several mechanical ventilation projects requesting funding under the H&S and Alternative Facilities programs has resulted in the following list of **allowable--not allowable** expenditures. A district must evaluate the scope of work to make sure that **non-allowable** work elements are not contained in their job, or if they are, are funded by another source. Districts shall initial each "**non-allowable**" element below and return this to MDE as a condition of receiving final project approval before final approval is granted (PPA or ALT to YES or OK). By initialing, the district acknowledges these categories of work are not included in the above projects. Please note that, as a result of possible downward financial adjustments, the eligible approvable amount may be less than \$500,000 causing the project to be ineligible for Alt. Facilities treatment. Any corrected amounts must be posted to the H&S website by the district. Also, please note that related projects must be grouped by building only and not by district.

_____ **Allowable and not allowable -- drop ceilings** – Replacement or restoration of ceilings in support of the operation of an HVAC system is an allowable H&S expenditure. In order to qualify it must support some HVAC function, such as return air or sound deadening. Covering exposed duct or other aesthetics purpose is not an allowable reason.

_____ **Not allowable -- Lighting**– Replacement or restoration of any lighting subsequent to funded HVAC is not an allowable H&S expenditure.

Allowable -- Pipes—Heating or cooling pipes or piping leading to or from, or otherwise associated with the mechanical ventilation system is an allowable H&S expenditure.

_____ **Allowable and not allowable -- Cooling capacity as part of dehumidification**—cooling capacity, cooling coils, cooling compressors, control logic leading to a system that is dedicated to operating in a pure cooling mode without consideration for effect on humidity, is not an allowable H&S expenditure. Funding for a cooling then re-heat system is permitted, if dehumidification engineering and operation meets the following criteria.

Discussion: Mold growth can occur as indicated in reference (1) Appendix C due to either vapor pressure-dominated mold or surface temperature-dominated mold (pp144-145). The test for control of vapor pressure-dominated mold management is whether the conditioned air entering each space from a dehumidification system-is no greater than seventy-five (75%)-RH (relative humidity), verified by continual measurement of each space's air serviced by the mechanical ventilation system. The test for surface temperature dominated mold management is whether localized variances in temperature brought about by a cooling source cause any interior surface to achieve a relative humidity above sixty percent (60%).*

Action: Humidity sensors shall be placed in each space serviced by the mechanical ventilation system and connected to its system control logic, set so that each space's relative humidity does not exceed fifty five percent (55%) RH. If a dehumidification system is a simple cooling-then-reheat system and if the cooling function is active, then temperature in the reheat portion shall be increased until the RH in each space does not exceed 55%. This will satisfy vapor pressure-dominated mold management concerns. The system shall be designed so that the RH does not exceed sixty percent (60%)RH at or near the coolest surface. This will satisfy surface temperature-dominated mold management concerns.

The services of a professional engineer (PE) experienced in mold management techniques will be utilized in the design, installation and certification of the dehumidification system to ensure that both vapor pressure-dominated criteria and surface temperature-dominated are met. Performance criteria to this effect will be documented and shall be part of the commissioning process (H&S funding-eligible for new or upgraded systems only). The system shall be capable of being operated and shall be operated

Attachment 8

observing these relative humidity requirements throughout its annual operational cycle. Temperature adjustment to maintain proper RH shall take priority over temperature adjustment for comfort control. It shall not be possible for vendors or users to disable this except for maintenance. Also, airstream surfaces downstream from a dehumidification coil shall not have exposed, fibrous insulation material.

_____ **Allowable** – Upgrade or replacement to meet current AHSRAE and state mechanical code ventilation rate (15 CFM per person).

_____ **Not allowable** – Repairs to existing systems, regardless of whether they already have the capability of meeting current state mechanical code ventilation rate (15 CFM per person)

_____ **Not allowable -- Heating capacity**—Heating capacity such as internal gas fired heating units, internal or external boilers, water storage and distribution systems, is not an allowable H&S expenditure.

_____ **Not allowable -- Energy recovery system**—An energy recovery system whose function is or includes transferring energy from one portion of the system to another in order to reduce energy usage or costs, is not an allowable H&S expenditure.

Allowable – Roof reinforcement—Only costs that lead to direct physical structural support of roofs due to increased weight loading brought about by installation of mechanical ventilation units are allowable. Costs to enhance or restore roof or understructure in areas not immediately adjacent to any weight caused by mechanical ventilation installation or replacement is not an allowable H&S expenditure.

Allowable – Wall construction –Wall construction within an existing structure to create a space dedicated for mechanical ventilation equipment where none existed before is an allowable H&S expenditure. Also allowable is a roof structure for containing roof-mounted units, together with safe access ways from the building to the structure. The cost for fixtures such as cabinetry, shelving and the like is not allowable. Only the basic cost for formation of the space is allowable.

Allowable – Asbestos abatement—Asbestos abatement or any other work allowable under current H&S criteria is allowable as a related expenditure under the Alternative Facilities program, but only for work in the area immediately adjacent to work (within three feet), which is originally intended to be covered under the Alternative Facilities program. If the work is otherwise eligible under H&S, it can be funded but not as a related expenditure.

Allowable – Additional square footage in lieu of roof construction for mechanical ventilation systems that result in reduced costs.

*(1) EPA-NIOSH Building Air Quality – Appendix C

If there are questions please feel free to contact MDE (Audrey Bomstad) at 651-582-8793 or audrey.bomstad@state.mn.us.

FIN Code 352, a detailed explanation

Laws 2003 1Sp Ch.9 Art. 4 modified M.S. 123B.57 Subd. 6 (H&S statute), requiring that many project categories in FINANCE CODE 352 previously allowed to be identified separately from "Health Safety and Environmental Management" now be included in this category. As well, all assessments, investigations, inventories and support equipment not leading to the engineering or construction of a project shall be folded into this category. Please refer to Attachment 3 for a representative list of previously allowed separate expense categories now required to be folded into the "Health Safety and Environmental Management" category.

Examples of expenditure categories that are now folded into this category are:

- **HEALTH, SAFETY AND ENVIRONMENTAL MANAGEMENT** These activities include [1] hazard assessment; [2] required training; [3] record keeping and [4] program management for each element identified in the attachment that is a hazard.
- **SAFETY COMMITTEE AND AWAIR**
- **ASBESTOS INSPECTION.** AHERA required three-year, due to be completed no later than **July 2007.**
- **SCIENCE LAB - INVENTORY & OTHER SAFETY COMPLIANCE** The cost to inventory chemicals.
- **RIGHT-TO-KNOW** Expenses for Right-to-Know training and supplies under MN Rules
- **BLOODBORNE PATHOGEN STANDARD COMPLIANCE**
- **INTEGRATED PEST MANAGEMENT** Costs to implement the Janet B. Johnson Parents' Right-to-Know Act.
- **IAQ ENGINEERING AND OTHER PROFESSIONAL SURVEYS, TESTING AND REPORTS –** (e.g. IAQ base-line assessments).
- **HEALTH AND SAFETY MANAGEMENT ASSISTANCE**
- **SFM FIRE SAFETY INSPECTIONS** Required every three years, per M.S. 299F.47.
- **COMPUTER BASED H&S MANAGEMENT SOFTWARE**
- **INDOOR AIR QUALITY MANAGEMENT ACTIVITIES**

The funding for this category is formulary capped. See Attachment 4 page 19 for details

Action: District shall list on the H&S website each category of expenditure it plans to incorporate under FIN CODE 352. See printout on the next page of a hypothetical district for an illustration. There is no need to break down this work by building, as is required of other FIN CODE categories.

If there are questions regarding the process, please feel free to contact Audrey Bomstad at 651-582-8793 or audrey.bomstad@state.mn.us. Also (preferred) contact the H&S Management Assistance professional for your Service Cooperative region.

Criteria for MDE Involvement in the Health and Safety (H&S) Management Assistance Program

- MDE continues to support and remain involved in the Management Assistance (MA) Program, identified as a component of but separate from other aspects of the district's Health Safety and Environmental Management program.
- Support activities from MDE's perspective means calling meetings, requesting MA support in implementing hot topics, specific tasks such as new program implementation (e.g. IAQ, machine guarding), helping districts with revenue application reporting, including new requirements such as five year plans, H&S program/plan submission, as well as traditional areas like district H&S program evaluation activities.
- "Health, safety, and environmental management" means school district activities necessary for a district's compliance with state law and rules of the departments of health, labor and industry, public safety, and pollution control agency, as well as any related federal standards. These activities include hazard assessment, required training, record keeping, and program management. (MS123B.56)
- The role of the MA program is the evaluation of all aspects of programs for the identification, recognition and control of hazards, and assisting districts in prioritization and scheduling of district health and safety capital projects.
- Funding is through the Health Safety and Environmental Management (HSEM) funding, which is capped overall.
- There are five points for consideration (MA criteria).
 - (1) MA services must be provided by a trained H&S professional having significant field work experience, making the person competent to evaluate programs which make up a district's H&S program.
 - (2) The person providing the MA services may be an independent contractor, an employee of a private contractor, a Service Cooperative employee or a H&S professional employed by the district.
 - (3) The person must be hired by the district (can be through the service cooperative representing the district), or if employed by a private contractor must be identified in the contract as the person providing the MA services.
 - (4) To avoid a conflict of interest, the person doing the management assistance work shall not be a person who also does other H&S work for the district, either as HSEM or as a project contractor.
 - (5) The Management Assistance professional (if designated) is identified by name on page 52 of Attachment 99.
- Districts may indicate their choice for Management Assistance via Service Cooperatives. The SCs may take a leadership role in assisting districts in determining their MA choices and as a liaison between MDE and MA service providers.

Attachment 99 Performance Criteria due at MDE 7/25/2008

General Comments

- School district personnel shall be involved in the process of completing this section. This section cannot be completed as a “turnkey” process.
- Responsibility for Health and Safety belongs at the district level. The task can, in certain circumstances, be delegated to employees or contractors, but not the responsibility.
- There must be a key district person responsible for each Health and Safety topic. This person is responsible for understanding Attachments 4 and 99 information.
- Attachment 99 replaces Attachment 4 as a reporting requirement. Only Attachment 99 and not Attachment 4 shall be reported to MDE. Attachment 4 should be used by your district to internally review all Health and Safety programs. MDE is phasing in topics a portion each year until they are all entirely included. For 2008 Pay 2009, the topics are limited to Indoor Air Quality, Safety Committees, Laboratory Safety, Confined Spaces and Employee Right-To-Know. Specific performance criteria are described and the district must either verify they will meet MDE’s criteria or provide their own. Either way, districts will be held to their board-adopted performance criteria. Substituted criteria which is not performance based is an unacceptable report.
- Districts are required to follow the directions shown below and return the completed, board-certified Attachment 99 in order to receive H&S funding for 2008 Pay 2009. All H&S new funding will be delayed until Attachment 99 is received and verified.
- H&S Management Assistance professionals will key their reporting to the elements in this Attachment. This is part of MDE’s plan to verify that the district is meeting its performance criteria commitment and has conducted a hazard assessment and adopted plans for hazard removal, per page 57 of this Attachment. A district may not refuse access by a Management Assistance professional to accomplish this task and the MDE will not process requests for funding approval without a properly completed Attachment 99. See Attachment 9 for MDE involvement with the Management Assistance program.

Completion Steps for Attachment 99

- District reviews its health and safety hazards, plans/programs to manage them, and this letter and attachments.
- District reviews Attachment 99, affirms each element by highlighting or otherwise indicating, and completes all forms accurately. The attachment is designed to be a “turn-around document.”
- School board validates the information on Attachment 99, certifying that the information in the completed Attachment 99 H&S Performance Criteria will be implemented during school year 2008-2009. In this manner the board, as the policy-setting authority, recognizes and accepts its responsibility for Health and Safety in a manner satisfactory to MDE. A copy of the board-approved minutes and agenda must be attached.
- District returns Attachment 99 in time to arrive at MDE, attn Audrey Bomstad, or **alternatively each region Management Assistance professional**, no later than July 25, 2008. Late submissions are strongly discouraged.
- Electronic submission is acceptable and is preferred. Otherwise, provide two paper copies with visible highlighting. Don’t forget to maintain a copy in district files, and to highlight adopted language.

Begin board-certifying here - General Requirements

- The H&S written plans include policies for managing the hazard, assessing for the hazard, training, and record keeping.
- There is a key district person responsible for each Health and Safety topic. This person is responsible for understanding Attachments 4 and 99 information and the information in the written plans.
- The written plans are current, complete and accurate. They are concise and well organized. They do not make references to other districts or states, or persons not currently with the district.
- In particular, the documentation of training and required reporting is accurate and complete. Training includes an adequate roster of trainees, is dated, and a syllabus of the training, giving information on what trainees can be reasonably expected to know or do.

- The practice of re-photocopying required reports shall not be allowed. Each report shall have a fresh printout with fresh signatures and dates.
- The district has contracted for a Management Assistance professional (or not). His/her name is:

Part I Attachment 99 Performance Criteria – IAQ Management Plan

A. IAQ Coordinator – required in plan

- A person meeting criteria in Attachments 3 and 7 has been appointed as the districts IAQ coordinator.
- Communication pathway has been established to notify district staff, parents, and students, who the IAQ Coordinator is and how to contact him/her.
- IAQ coordinator's role and authority shall be clearly defined and understood by district employees, such that he/she can operate effectively.
- The IAQ Coordinator's name and certificate number are: _____.

B. Walk-through performed (required in plan)– Walkthroughs shall be performed at least annually on all school buildings in the district that houses students and/or employees and shall evaluate the following:

- obvious water intrusion problems (interior and exterior);
- obvious ventilation failures and/or problems;
- obvious building/structural failures and/or problems;
- overall cleanliness of buildings and classrooms; and
- assess the need for O&M programs (e.g. ventilation, carpet, building compounds).

C. Evaluation of key building systems- required in plan

- District shall evaluate all classrooms using equivalent* to the EPA's Tools For Schools Teacher's Checklist at least annually.
- District shall evaluate ventilation systems using equivalent* to the EPA's Tools For Schools Ventilation Checklist at least annually. Activity 22 may be excluded here.
- District shall evaluate all building maintenance issues using equivalent* to the EPA's Tools For Schools maintenance checklist at least annually.

*** Equivalent means that each element of each topic is included to the depth described in TFS. If there is a significant departure, an explanation shall accompany the plan.**

D. IAQ Management Plan (required in plan) - District shall develop and implement an effective **district specific** IAQ management plan that shall at a minimum have the following elements:

- identification of IAQ Coordinator;
- communication plan/policy that is specific to the district;
- complaint plan/policy that is district specific;
- plan/policy to address district IAQ issues observed and/or noted during the walk through or through the building systems evaluation process;
- implementation schedule that prioritizes and allocates expenditures to remediate known IAQ issues such as deferred maintenance items (e.g. roof leaks);
- operations and maintenance plan to maintain building components and mechanical systems;
- district policies that are established that affect air quality (animals, cleaning, renovation projects, pest management, chemical use, etc.); and
- annual review of district IAQ Management Plan by IAQ Coordinator and/or IAQ Committee, and school board. This includes a review of all documentation to ensure the plan is indeed district specific and current.

E. District responses to parental concerns--required in plan

- Parents know where to go to find answers to their IAQ questions.
- Parents can obtain checklists or self help information so they can properly evaluate their child's home or other out of school situation.

- Parents can obtain information about school facility construction, maintenance and housekeeping practices, chemicals used, mold and HVAC related information, chemical producing academic subjects, pesticides and herbicides and the like to determine the extent to which school activities contribute to a child's symptoms.
- Parents can obtain information on what a parent can do – how they can effect change – upon discovering questionable activities occurring within schools.

***F. Mechanical Ventilation improvements if funded under either H&S or Alternative Facilities Bonding and Levy programs**

- All mechanical ventilation improvements shall result in demonstrated current performance criteria as found in state law, statute or rule, to include proper amount of ventilation rate over a specified outside temperature range, proper filtration, and ability to measure ventilation rate.
- Any commissioning resulting from mechanical ventilation improvements shall be done and validated by a Systems Inspector per M.S. 123B.72 that has adequate errors and omissions insurance.
- Mechanical ventilation improvement work funded under H&S shall remain under warranty by the outside party until a full range of seasons has occurred, allowing any deficiencies to become manifest and be corrected.

***G. M.S. 123B.57 responsibility to "...monitor and improve the quality of indoor air..."**

- The district shall determine the mechanical ventilation rate of each occupied space and plan and implement its improvement in a timely manner where found to be inadequate. Use of outside air intake flow hood for unit ventilators or CO2 or thermal-based calculations found in ASHRAE 62-1989 with controls set to minimal outside air settings are adequate. Intended to satisfy TFS Ventilation Checklist Activity 22. This activity does not have to be done to receive HS & funding.
- The district shall determine if there is mold or water intrusion for each occupied space and plan and implement its remediation in a timely manner where found to exist. Visual inspections are adequate.
- The district shall determine the quality of air entering the building and make improvement where needed. Use of human senses is adequate.
- The district shall monitor the use of chemicals, cleaning materials, carpet maintenance (if applicable) pesticides and general housekeeping to ensure proper indoor air quality. Use of human senses is adequate.

Note: Starred paragraphs are not mandatory for inclusion in the district's IAQ program for H&S funding.

Attachment 99 Performance Criteria – Safety Committees

- A district safety committee shall be established where the district exceeds 25 employees or is experiencing excessive lost workdays or accident/incident rates.
- Written statements shall be developed describing safety committee role, responsibilities, activities and administrative support.
- Role of safety committee shall be stated, and shall include consideration of the following.
 - ✓ Review high hazard areas of health and safety for adequacy of program protection.
 - ✓ Monitor the effectiveness of the safety and health program. Assist administrators, H&S coordinators and supervisors on district/school H&S issues. Bring committee recommendations to school board.
 - ✓ Everyone in district needs to know they should contact members of safety committee FIRST for H&S issues.
- There shall be greater employee representation than management, with each bargain unit represented. The safety committee member list shall be posted.
- The number of employee representatives on the committee shall equal or exceed the number of management representatives. The safety committee members shall be made known to all district staff.
- The safety committee shall meet at least quarterly.
- An agenda shall be established prior to meeting. Attendance and minutes shall be recorded. A report of activities shall be posted where all employees have access to it.
- The chair shall be elected by the committee and identified by name.
- Training shall be provided to safety committee members as to their roles and responsibilities.
- Meeting activities shall include consideration of these activities.

- ✓ Establish annual safety goals and objectives for meeting those goals.
- ✓ Conduct and/or review safety inspections.
- ✓ Assist in accident investigation.
- ✓ Review accident reports and OSHA 300 logs.
- ✓ Accept and evaluate employee suggestions. Make reporting uncomplicated, keeping reporters at ease.
- ✓ Review job procedures and recommend improvements.
- ✓ Monitor safety program effectiveness.
- ✓ Publicize and promote safety and health.
- School board shall review the program annually.

Attachment 99 Performance Criteria – Laboratory Safety Standard and Chemical Hygiene Plan

- There shall be a written and current Chemical Hygiene Plan for all laboratories, per OSHA Laboratory Safety Standard 29 CFR 1910.1450.
- The Chemical Hygiene Officer (CHO) shall be identified for each laboratory. His or her names are:

-
- The CHO shall be responsible for developing and reviewing at least annually chemical handling, storage labeling and disposal procedures (SOPs).
 - The CHO shall be responsible for reviewing at least annually lab activities to ensure safe procedures are used.
 - The CHO shall review stored chemicals annually and remove unused or excess amounts.
 - The CHO shall be responsible for developing and reviewing at least annually engineering controls (e.g. ventilation, chemical storage, fume hoods, gas lines and shutoff, fire prevention, eye-wash and deluge shower)
 - The CHO shall be responsible for developing and reviewing at least annually personal protective equipment (PPE) needs (e.g. eye protection, gloves, splash guards, gowns). Included are ensuring students do not wear dangerous clothing (e.g. rings, chains, unsafe shoes, un-bound hair).
 - The CHO shall be responsible for developing and reviewing at least annually necessary training for lab employees and ensure that safety is adequately included in curriculum.
 - The CHO shall be responsible for developing and reviewing at least annually record keeping practices and procedures, to include chemical inventory, MSDS sheets, monthly checks of safety equipment and implementing MDE and other safety checklists.

Attachment 99 Performance Criteria – Lockout/Tagout (LO/TO)

- District shall develop and implement a Written Management Plan for Lockout/Tagout, encompassing OSHA standard 29 CFR 1910.147, explaining procedures for implementing Lockout/Tagout for each area for each building where LO/TO hazards exist.
- The district administration shall identify school district Contact Person(s) for Lockout/Tagout zones.
- The district administration shall survey the facility at least annually to identify energy potential physical hazards that require Lockout/Tagout.
- The district administration shall train affected employees on proper Lockout/Tagout methods and techniques at least annually.
- The district administration shall identify and procure Lockout/Tagout locks, tags and other devices. (List locations of equipment)
- The district administration shall evaluate Lockout/Tagout record keeping practices and procedures at least annually.
- Procedures are in place to inform contractors of Lockout/Tagout requirements
- Specific energy controls are developed when required.
- The district administration shall evaluate current Lockout/Tagout procedures at least annually.
- The district administration shall survey the facility at least annually to identify Confined Spaces physical hazards per the standard that require Confined Space entry procedures, using the criteria found at http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=9797
http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=9804

Attachment 99 Performance Criteria – Confined Spaces

Review program and obtain school board approval at least annually.

Confined Space Standard

- District shall develop and implement a Written Management Plan for Confined Spaces, encompassing OSHA standard 29 CFR 1910.146, explaining procedures for implementing Confined Spaces for each area for each building where Confined Spaces hazards exist.
- The district administration shall identify school district Contact Person(s) for Confined Spaces permit and non-permit zones.
- The district administration shall survey the facility at least annually to identify Confined Spaces physical hazards per the standard that require Confined Space entry procedures, using the criteria found at http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=9797
- The district shall determine the location of all Confined Spaces, and which are Permit Required Confined Spaces using the criteria found in Attachment A of the standard.
- Using the criteria found in 1910.146(c)(5), the district shall determine which Permit Required spaces need comply with paragraphs (d) through (f) and (h) through (k) of the standard.
- For Permit Required spaces that need not comply with paragraphs (d) through (f) and (h) through (k) of the standard, the district shall establish and maintain monitoring and inspection data that will demonstrate that continuous forced air ventilation alone is sufficient.
- For Permit Required spaces where the district has not established and maintained monitoring and inspection data that will demonstrate that continuous forced air ventilation alone is sufficient, the district shall implement paragraphs (d) through (f) and (h) through (k) of the standard.
- The district shall establish a properly trained and provisioned Permit Required Confined Space rescue and emergency service, that will become activated whenever a person enters a Permit Required Confined Space.
- The district shall carry out practice Permit Required Confined Spaces rescues at least once every 12 month, as called for under paragraph (K) of the standard.
- District shall inform Confined Spaces entrants information called for in the standard, how they may communicate with persons outside the Confined Spaces and what steps they should take if they should develop a medical emergency while in the Confined Spaces (e.g. heat stress, electrocution, burns, heart attack).
- The district shall inform any outside contractor doing work in a Confined Space that the workplace contains permit spaces and that permit space entry is allowed only through compliance with a permit space program per 1910.143.

Attachment 99 Performance Criteria – Employee Right-To-Know (ERTK)

Employee-Right to Know - Hazard Communication. The program shall:

- Develop and implement a Written Management Plan for Minnesota Employee Right To Know, in compliance with Minnesota Rule 5206.
- Identify school district Contact Person(s) for MN ERTK.
- Review Written Plan as needed, and update (at least annually).
- Identify Hazard communications functional areas (e.g. kitchen, shops, art, maintenance).
- Survey the facility to identify chemical, heat, noise, radiation and infectious agents hazards.
- Manage Material Safety Data Sheet (MSDS) acquisition, compilation and distribution. Ideally, MSDS would be available in functional area.
- Perform Chemical Inventory. Update at least annually. Ideally, chemical inventory would be available with MSDSs in functional area.
- Monitor use and markings on Secondary Use Containers.
- Ensure placement of ERTK Minnesota-approved posters.
- Perform initial and annual functional area training.
- Provide all record keeping activities and procedures.
- Respond to regulatory agency correspondence, guidelines and recommendations, guidelines and recommendations.
- Monitor or provide updates on regulatory changes and new developments.
- Review program and obtain school board approval at least annually.

Date: _____

School District: _____

Person Affirming: _____

Signature: _____

Telephone with ext. _____

I affirm that the following is an accurate, board-approved summary of this school district's current Health and Safety program, submitted in accordance with Minn. Stat. § 123B.57 regardless of whether or not funding is requested. A copy of the school board minutes is attached.
Additional comments: